

OHIO STATE BOARD OF COSMETOLOGY

1929 GATEWAY CIRCLE GROVE CITY, OHIO 43123

BOARD MEETING MINUTES

July 10, 2012

Ms. Kimberly Thomas, Chairman

Ms. Clara Osterhage

Mr. Thomas Taneff

Dr. Marilyn Huheey

Mr. Steve Thompson

Ms. Bernadine Neal

Ms. NeCole Cumberlander

Ms. Dolores Gillis

Ms. Valerie Benfer

Mr. James Trakas, Executive Director

1 A meeting of the Ohio State Board of Cosmetology was held at the Board Offices at 1929 Gateway
2 Circle Grove City, Ohio on July 10, 2012 at 1:00 pm Executive Director James Trakas, assistant
3 Attorney General Janyce Katz, Cosmetology staff and other interested parties were present.

4
5 Ms. Kimberly Thomas called the meeting to order at 1:03 pm and roll call was taken. Mr. Steve
6 Thompson, Ms. Dolores Gillis, Dr. Marilyn Huheey, Ms. Clara Osterhage. Ms. Valerie Benfer, Mr.
7 Thomas Taneff, Ms. Bernadine Neal and Ms. NeCole Cumberlander were present.

8
9 Pledge of Allegiance to the flag of the United States of America.

10 11 **Minutes of June Board Meeting**

12 Ms. Thomas asked the Board for any questions they may have regarding the June meeting minutes.

13 Motion was made by Mr. Taneff to accept the June meeting minutes

14 Motion seconded by Dr. Huheey

15 A roll call was taken:

16 Ms. Thomas – Aye

17 Ms. Cumberlander – Aye

18 Mr. Thompson – Aye

19 Mr. Taneff – Aye

20 Ms. Gillis – Aye

21 Dr. Huheey – Aye

22 Ms. Neal – Aye

23 Ms. Osterhage – Aye

24 Ms. Benfer – Aye

25 Motion passed unanimously

26 27 **Director's Report**

28
29 Director Trakas stated that the Board of Cosmetology ended the past fiscal year with a small surplus
30 and begin this fiscal year with a 5% budget cut. He also stated that the Board is in the process of
31 preparing the 2013-2015 budget.

32 Director Trakas reminded the Board and the Public of the Board Operating Procedures that were
33 presented in April 2011 and approved in May 2011. Director Trakas read section M regarding
34 Public Testimony and/or Commentary on how to address the Board when speaking to the Board
35 and the Public has only 3 minutes with which to address the Board.

36 Director Trakas shared the passage rates of examinees on the new test by school.

	Theory	Practical	Managers
37 Private Schools (73)	71.33%	92.24%	77.01% (63 schools offer)
38 Public Schools (84)	62.2%	97.83%	78.69% (10 schools offer)

40 41 42 43 **Committee Reports**

44 Board Member Cumberlander: Request to Modify Apprenticeship Program – no report – request
45 withdrawn by sponsor.

46 47 **Public Testimony**

49 Director Trakas introduced Jeri Massenelli with Aqua Hair Salon & Spa. Ms. Massenelli also
50 introduced her business partner Rhonda Wood. Ms. Massenelli gave testimony regarding an
51 employee which she terminated and the discussions that she had with director Trakas regarding the
52 termination and events that led to the termination. In her testimony, Ms Massenelli accused Director
53 Trakas of attempting to intervene on behalf of the fired employee.

54 Director Trakas next introduced Mrs. Fatou Saine Gaye, a school owner from The Gambia, W.
55 Africa. She talked about her hair braiding school in The Gambia. Her country requires hair braiders
56 to go to school and get a license. She provided a report about hair braiding, her school and other
57 information pertinent to both her country and to Ohio's cosmetology performance. The report is
58 attached to the minutes as an appendix.

59 Tim Hornsby was introduced by Director Trakas. Mr. Hornsby corrected the agenda. Under
60 committee reports: Request to Modify Apprenticeship Program should be Request to Modify
61 *Internship* Program.

62

63 **Old Business**

64

65 **Board Resolution 2012-0005 Necessity of a Manager in Salon** – this item will be retained on
66 agenda for future meetings.

67

68 **Board Resolution 2012-0008 Relative to Changes in Ohio Cosmetology Curriculum and**
69 **Requirements to Obtain Licensure** – Board Member Neal reported that there are many
70 inconsistencies in curriculum with career/technical schools. Changes in ODE graduation
71 requirements cause schools to not meet COS standards. Review and update of curriculum would
72 allow consistency. Recommended 3 hours of the school day be devoted to cosmetology. 1080 clock
73 hours and the rest of the hours earned by completing 13 part competency tests. She said that by
74 doing so would allow consistency across the state and would better prepare students for the Ohio
75 State Board Tests.

76

77 Board Member Osterhage proposed a new Resolution, Board Resolution 2012-0011 Revisions to
78 Curricula and Hours; Elimination of ORC 4713.41 (salon requirements) and OAC 4713-13.03 (the
79 necessity of managers). Board Member Osterhage read the resolution to the Board. The resolution
80 sets forth hours for all branches of Cosmetology in all of Ohio's educational programs, and calls for
81 the elimination of the manager's license. Board Member Taneff requested information as to whether
82 such a motion could be brought before the Board. Upon receiving a "yes", Board member
83 Osterhage moved that the Board accept her proposed changes.

84 Seconded by Mr. Taneff.

85 A roll call was taken.

86 Ms. Thomas – Aye

87 Ms. Cumberlander – Aye

88 Dr. Huheey – Aye

89 Ms. Neal – Aye

90 Mr. Thompson – Nay

91 Ms. Gillis – Nay

92 Mr. Taneff – Aye

93 Ms. Osterhage – Aye

94 Ms. Benfer – Nay

95 The motion passed 6 aye to 3 nays.

96 Board Member Gillis asked Director Trakas what the passage of the Resolution meant. Director
97 Trakas explained that the Resolution would need to go to the Legislature and be passed before it
98 could be put into law.

99

100 **New Business**

101

102 **Request from A Brand New You, Centerville, Ohio to waive sign requirements for a cause.**

103 The request was to wave the sign posting requirements for security purposes.

104 A motion was made by Ms. Osterhage to approve the request.

105 Mr. Taneff seconded the motion.

106 A roll call was taken.

107 Ms. Thomas – Aye

108 Ms. Cumberlander – Aye

109 Dr. Huheey – Aye

110 Ms. Neal – Aye

111 Mr. Thompson – Aye

112 Ms. Gillis – Aye

113 Mr. Taneff – Aye

114 Ms. Osterhage – Aye

115 Ms. Benfer – Aye

116 The motion passed unanimously

117

118 **Board Resolution 2012-0009 ORC 4713.13 Injunction. Relative to Tan100753 Safari Tan Club**
119 **immediate public threats to health, safety, and welfare.**

120 Director Trakas introduced Janyce Katz, Assistant Attorney General to explain the proposed
121 injunction action relative to TAN.100753, Safari Tan Club. Assistant Attorney General Katz
122 explained the power the Board has to regulate and how one statute allows the Board to close down a
123 facility using an injunction when that facility poses an immediate danger to the general public. Katz
124 said that the administrative process would take longer time because of the opportunity of an appeal
125 from an Order of the Board and because of the time needed to set a hearing and the time the hearing
126 officer needed to write a Report and Recommendation.

127 Ann Marie Zarella-Lydic, Business Compliance Investigator for the Board presented her findings
128 on sanitation and equipment violations she found at Safari tan Club. Investigator Zarella-Lydic said
129 her investigation had been initiated by two complaints from individuals reporting severe burns from
130 use of the tanning beds at Safari Tan Club.

131 Mary Amiri, owner of Safari Tan Club, addressed the Board. She apologized for the injuries that
132 have occurred. She commented on the inspection reports and provided receipts, invoices and
133 pictures of repairs she has made.

134 Board Member Taneff questioned Ms. Amiri about the length of time it took her to respond to the
135 calls of one of the women who filed a complaint. When Ms. Amiri stated a few days (couple of
136 days) days, Chairwoman Thomas responded that time period was unacceptable, saying that she
137 would have immediately responded if a client claimed something happened during a visit to her
138 salon.

139 Director Trakas suggested that perhaps Ms. Amiri and Assistant Attorney General Katz could work
140 out a settlement so that passing the request for an injunction might not be necessary. Board
141 Resolution 2012-0009 ORC 4713.13 is not needed to be voted on at this time and has been put on
142 hold.

143

144 **Board Resolution 2012-0010 Amendments to H.B. 453 Relative to changes to H.B.453 based**
145 **on Governor's Task Force on Human Trafficking, H.B.262, and S.B. 337.**

146 Director Trakas introduced the next item of business. Director Trakas presented the proposed
147 amendment.

148 A motion was made by Mr. Taneff to accept the amendment.

149 Seconded by Ms. Osterhage

150 A roll call was taken.

151 Ms. Thomas – Aye

152 Ms. Cumberlander – Aye

153 Dr. Huheey – Aye

154 Ms. Neal – Aye

155 Mr. Thompson – Aye

156 Ms. Gillis – Aye

157 Mr. Taneff – Aye

158 Ms. Osterhage – Aye

159 Ms. Benfer – Aye

160 The motion passed unanimously

161

162 **Member Review A-1**

163 **Board Order to Approve 1-54**

164 **Board Order to Enforce Notice of Violation 55-182**

165

166 A motion was made by Mr. Taneff to accept A-1

167 Second by Ms. Osterhage.

168 A roll call was taken.

169 Ms. Thomas – Aye

170 Ms. Cumberlander – Aye

171 Dr. Huheey – Aye

172 Ms. Neal – Aye

173 Mr. Thompson – Aye

174 Ms. Gillis – Aye

175 Mr. Taneff – Aye

176 Ms. Osterhage – Aye

177 Ms. Benfer – Aye

178 The motion passed unanimously

179

180 A motion was made by Mr. Taneff to approve Board Orders 1-54

181 Second by Ms. Cumberlander

182 A roll call was taken.

183 Ms. Thomas – Aye

184 Ms. Cumberlander – Aye

185 Dr. Huheey – Aye

186 Ms. Neal – Aye

187 Mr. Thompson – Aye

188 Ms. Gillis – Aye

189 Mr. Taneff – Aye

190 Ms. Osterhage – Aye

191 Ms. Benfer – Aye

192 The motion passed unanimously

Exhibit 2

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193
194 A motion was made by Ms. Osterhage to approve Board Orders 55 -182
195 Second made by Chairwoman Thomas
196 A roll call was taken.
197 Ms. Thomas – Aye
198 Ms. Cumberlander – Aye
199 Dr. Huheey – Aye
200 Ms. Neal – Aye
201 Mr. Thompson – Aye
202 Ms. Gillis – Aye
203 Mr. Taneff – Aye
204 Ms. Osterhage – Aye
205 Ms. Benfer – Aye
206 The motion passed unanimously
207
208 A motion was made by Mr. Taneff to approve the Findings of Facts.
209 Second by Ms. Thomas
210 A roll call was taken.
211 Ms. Thomas – Aye
212 Ms. Cumberlander – Aye
213 Dr. Huheey – Aye
214 Ms. Neal – Aye
215 Mr. Thompson – Aye
216 Ms. Gillis – Aye
217 Mr. Taneff – Aye
218 Ms. Osterhage – Aye
219 Ms. Benfer – Aye
220 The motion passed unanimously
221
222 A motion was made by Mr. Taneff to approve the Conclusion of Law.
223 Second by Ms. Osterhage
224 A roll call was taken.
225 Ms. Thomas – Aye
226 Ms. Cumberlander – Aye
227 Dr. Huheey – Aye
228 Ms. Neal – Aye
229 Mr. Thompson – Aye
230 Ms. Gillis – Aye
231 Mr. Taneff – Aye
232 Ms. Osterhage – Aye
233 Ms. Benfer – Aye
234 The motion passed unanimously
235
236 A motion was mad by Mr. Taneff to approve the Hearing Officer’s Recommendation
237 Second by Ms. Osterhage
238 A roll call was taken.
239 Ms. Thomas – Aye
240 Ms. Cumberlander – Aye
241 Dr. Huheey – Aye

242 Ms. Neal – Aye
243 Mr. Thompson – Aye
244 Ms. Gillis – Aye
245 Mr. Taneff – Aye
246 Ms. Osterhage – Aye
247 Ms. Benfer – Aye
248 The motion passed unanimously
249
250 Mr. Taneff requested the Board go into Executive Session to discuss personnel issues. Director
251 Trakas, after conferring with Assistant Attorney Katz, informed the Board that they could not at this
252 time go into Executive Session. The public must have 5 days notice in order for the Board to meet
253 in Executive Session and must give a specific reason.
254 Executive Session will be put on the agenda for the next Board Meeting.
255
256 Mr. Don Yearwood asked to be heard by the Board. Chairwoman Thomas granted his request. Mr.
257 Yearwood wanted it to be a matter of public record that he is strongly opposed to Resolution 2012-
258 00011. He feels that passage of the Resolution will have a huge impact on schools and a negative
259 impact on private schools. He also feels that the order in which the meeting agenda is set, with
260 public testimony/comment before any new business, does not allow the public to comment before
261 the Board votes on important matters.
262 Board Member Taneff stated that the Board welcomes input from the public. Public must address
263 the Board by going thru the Chairwoman.
264
265 Ms. Thomas moved that the meeting be adjourned at 2:23 pm.
266 Second by Mr. Taneff.
267 A roll call was taken.
268 Ms. Thomas – Aye
269 Ms. Cumberlander – Aye
270 Dr. Huheey – Aye
271 Ms. Neal – Aye
272 Mr. Thompson – Aye
273 Ms. Gillis – Aye
274 Mr. Taneff – Aye
275 Ms. Osterhage – Aye
276 Ms. Benfer – Aye
277 The motion passed unanimously
278