

Administrative Office  
Ohio State Board of Cosmetology  
1929 Gateway Circle  
Grove City, Ohio 43123

Case No. 2012-973 SR

RECEIVED

09/25/2012

OCT 09 2012

Board ID: COSS.101077  
AQUA HAIR SALON & SPA  
2590 COLUMBUS ST  
GROVE CITY, OH 43123

OHIO STATE BOARD  
OF COSMETOLOGY

**BOARD ORDER**

You are hereby notified that the Ohio State Board of Cosmetology has approved the terms of your Settlement Agreement which is also listed below, as an Order of the Board.

Therefore, A FINE OF \$250 IS IMPOSED, WITH \$250 IMMEDIATELY STAYED PENDING YOUR SUCCESSFUL COMPLETION OF TWELVE MONTHS OF PROBATION WHICH WILL CONCLUDE 12 MONTHS FROM THE DATE OF THIS NOTICE.

Failure to comply with this Order will result in the denial of future license applications and suspension of all licenses held by the cosmetology board until full compliance occurs.

**To Resolve This Order:**

You must submit a copy of this letter along with payment in the form of a check or money order to the Board office at the address provided above, within fifteen (15) days of the date of this Order. Make payable to: Treasurer, State of Ohio. Please forward any questions to Sonja Roe; by phone at 614-728-9111, by fax at 614-644-6880, or by email at sonja.roe@cos.state.oh.us

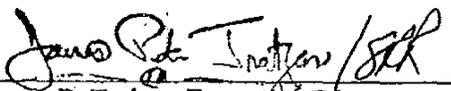
**TIME AND METHOD TO PERFECT AN APPEAL**

Within fifteen days of the mailing of this Order, any party wishing to appeal from this Order must file a Notice of Appeal as set forth in the Ohio Revised Code Section 119.12. Under R.C. 119.12, a Notice of Appeal must be filed with the Ohio State Board of Cosmetology, 1929 Gateway Circle Grove City, Ohio 43123, and must be filed with a common pleas court. R.C. 119.12 allows a party who wants to appeal an Order in which their license was suspended or revoked, or their application for a license or application for the renewal of a license was denied or admission to an examination was denied where the party's home or business is located. However, R.C. 119.12 requires a party who wants to file an appeal from any other Order of the Ohio State Board of Cosmetology, such as an appeal from a fine, must file the appeal in the Franklin County Court of Common Pleas. A party who wishes to appeal must set forth the Order appealed from and must state that the Ohio State Board of Cosmetology's Order is not supported by reliable, probative and substantial evidence and is not in accordance with the law. In addition the required statement, a party may state any other reason the party believes the Order is not correct.

**CERTIFICATION**

The State of Ohio,  
County of Franklin, SS

I, the undersigned Executive Director for the Ohio State Board of Cosmetology, hereby certify that the foregoing is a true and exact reproduction of the original Order of the Ohio State Board of Cosmetology as entered on its journal, on 09/11/2012.

  
James P. Trakas, Executive Director

250 ✓ DN  
CK 1091

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

2012-973 BO  
COSS 101077  
AQUA HAIR SALON & SPA  
2590 COLUMBUS ST  
GROVE CITY, OH 43123

2. Article Number  
(Transfer from service label)

7012 1010 0000 2356 2873

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*John Massenelli*  Agent  
 Addressee

B. Received by (Printed Name)

John Massenelli

C. Date of Delivery

9-27-12

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

Administrative Office  
Ohio State Board of Cosmetology  
1929 Gateway Circle  
Grove City, Ohio 43123

Case No. 2012-973 SR

09/25/2012

Board ID: COSS.101077  
AQUA HAIR SALON & SPA  
2590 COLUMBUS ST  
GROVE CITY, OH 43123

### BOARD ORDER

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Therefore, A FINE OF \$250 IS IMPOSED, WITH \$250 IMMEDIATELY STAYED PENDING YOUR SUCCESSFUL COMPLETION OF TWELVE MONTHS OF PROBATION WHICH WILL CONCLUDE 12 MONTHS FROM THE DATE OF THIS NOTICE.

**Failure to comply with this Order will result in the denial of future license applications and suspension of all licenses held by the cosmetology board until full compliance occurs.**

#### To Resolve This Order:

You must submit a copy of this letter along with payment in the form of a check or money order to the Board office at the address provided above, within fifteen (15) days of the date of this Order. Make payable to: Treasurer, State of Ohio. Please forward any questions to Sonja Roe; by phone at 614-728-9111, by fax at 614-644-6880, or by email at [sonja.roe@cos.state.oh.us](mailto:sonja.roe@cos.state.oh.us)

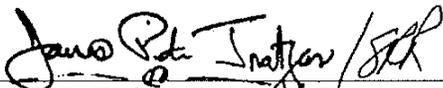
#### TIME AND METHOD TO PERFECT AN APPEAL

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#### CERTIFICATION

The State of Ohio,  
County of Franklin, SS

I, the undersigned Executive Director for the Ohio State Board of Cosmetology, hereby certify that the foregoing is a true and exact reproduction of the original Order of the Ohio State Board of Cosmetology as entered on its journal, on 09/11/2012.



James P. Trakas, Executive Director

C: File

CERTIFIED MAIL # 7012 1010 0000 2356 2873

Administrative Office  
Ohio State Board of Cosmetology  
1929 Gateway Circle  
Grove City, Ohio 43123  
Board ID: COSS.101077

RECEIVED

JUN 28 2012

Case No. 2012-973 SR

05/31/2012

Ohio Board of Cosmetology

AQUA HAIR SALON & SPA  
2590 COLUMBUS ST  
GROVE CITY, OH 43123

SETTLEMENT AGREEMENT

I, Jeri Massenelli, doing business as Aqua Hair Salon & Spa do hereby waive my right to a hearing regarding the violation(s) set forth in the Notice of Violation letter dated 05/31/2012 and agree to the following terms:

- A. I acknowledge lawful service and receipt of the Notice of Violation issued by the Board on 05/31/2012.
- B. I do not dispute the violation(s) cited in the above mentioned Notice of Violation.
- C. I have corrected the above mentioned violations.
- D. I am aware that compliance with Chapter 4713 of the Ohio Revised Code and Ohio Administrative Code is my responsibility, and as such, I will comply with all laws and rules governing cosmetology in Ohio.
- E. I understand that additional violations for the same issue(s) will result in an increased fine and possible suspension of my license.
- F. The Board agrees to hold one half (50%) of the fine amount in abeyance pending completion of a 12 month probationary period by the affected licensee and no previous fine imposition for the same violation(s).

TERMS OF PROBATION

- G. I understand that this agreement is subject to review and approval by the members of the Board, after which, a Board Order will be issued.
- H. I understand that by signing and submitting this settlement to the Board, I waive my right to appeal the Board Order issued in this matter.
- I. I agree that from the date I receive the Board Order, I will begin serving a 12 month probationary period; and, my failure to complete the said probation without additional violations will result in the remainder of the fine being imposed against my license.

CERTIFICATION

STATE OF OHIO  
COUNTY OF Franklin; ss

I hereby swear or affirm that I knowingly and voluntarily submit this Waiver of Hearing and Settlement and agree to the terms so identified.

Jeri Massenelli 6-28-12  
Signature Date

Subscribed in my presence and sworn to before me this June, 2012.

[Signature]  
Notary Public Commission Expiration  
Inspector ZARELLA-LYDIC  
CERTIFIED MAIL# 7011 3500 0003 5400 5127



KJUANA M TAYLOR  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 04-14-2015

I Jeri Massenelli of Aqua Hair Salon & Spa  
Am submitting a Settlement agreement and no  
longer wish to have a hearing.

Jeri Massenelli 6-28-12



KUJANA M TAYLOR  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 04-14-2015

*[Handwritten Signature]*  
6-28-12

**Credential View Screen** [update] [add tickle]

<input type="radio"/> Public <input checked="" type="radio"/> Mail Change Mail Address AQUA HAIR SALON & SPA 2590 COLUMBUS ST GROVE CITY, OH 43123	ID 4122711 Status Active Warning ADMINISTRATIVE ACTION SSN / FEIN # ***** 5732 Public File YES Mailing List Business Type LIMITED LIABILITY COMPANY	Credentials Contact Audit Issues Cont. Edu Documents Exams Experience History Renewal History Schools Supervises SupervisedBy Flags Librarian
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Comments: VERBAL PERMISSION WAS GIVEN TO OPEN SALON 10/29/2010. JW

<b>Beauty Salon</b> [update] [form letter]		<b>Credential Status</b> ACTIVE (10/28/2010)	<b>Audit</b>
<b>Credential #</b> COSS. 101077	<b>Status Reason</b>	Documents	
<b>Effective Date</b> 10/28/2010	<b>Amount Due</b> \$0.00	Fees	
<b>Expiration Date</b> 01/31/2013	<b>Date Last Activity</b> 10/28/2010 2:06:51 PM	History	
<b>First Issuance Date</b> 10/28/2010	<b>Last Updated by</b> Billingsley, S	Supervises	
<b>Waive CE Requirement</b> NO	<b>Certificate Sent Date</b> 11/02/2010	SupervisedBy	
		Print Docs	
		Comp. Audit	

Comments:

**User Definable Credential Data (Board Common / Credential Specific)** [update]

**Board Common**

Extra Telephone Numbers  
Web page address

**Credential Specific**

Application Reason  
Business Ownership, Name or Address Change  
Inspector's name  
Owner's Name  
Previous Business Name  
Previous ID  
Renewal Telephone Number

NEW BUSINESS

RECEIVED

JUN 15 2012

Ohio Board of Cosmetology

**Credential Check List** [update]

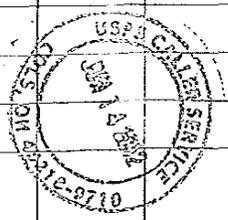
Pending

*Owner decided against hearing, just wants to pay fine*

**Processed**

- Accepted (10/28/2010:Billingsley, S) COS, Application & Fee
- Accepted (10/28/2010:Billingsley, S) COS, Dispensary min. 24 sq ft
- Accepted (10/28/2010:Billingsley, S) COS, Floor Plan
- Accepted (10/28/2010:Billingsley, S) COS, Name/Address/County
- Accepted (10/28/2010:Billingsley, S) COS, Permits for Operation
- Accepted (10/28/2010:Billingsley, S) COS, Phone numbers/Email address
- Accepted (10/28/2010:Billingsley, S) COS, Restroom location
- Accepted (10/28/2010:Billingsley, S) COS, Temporary Certificate

Name and Address of Sender	Article Number	Check type of mail or service:			Attach Stamp Here (If issued as a certificate of mailing, or for additional copies of this bill)		
		<input type="checkbox"/> Certified <input type="checkbox"/> COO <input type="checkbox"/> Delivery Confirmation <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured	<input type="checkbox"/> Registered Delivery (International) <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation	Postage	Fee	Handling Charge	
Ohio State Board of Cosmetology, 1929 Gateway Circle Grove City, OH 43123							
1. PRETTY NAILS & TANS 454A PIKE ST MARIETTA, OH 45750		MANS110003 HN 2012-793					
2. LOOKS 12703 KINSMAN AVE CLEVELAND, OH 44120		COSS091108 NOV 2012-802					
3. HAIR KAREN TAN 2942 ST RT 287 WEST LIBERTY, OH 43357-9312		COSS090071 HN-3 2011-1219					
4. ISLAND TROPICS BOARDMAN 247 BOARDMAN-CANFIELD RD BOARDMAN, OH 44512		TAN100102 HN 2012-934					
5. AQUA HAIR SALON & SPA 2590 COLUMBUS ST GROVE CITY, OH 43123		COSS101077 HN 2012-973					
6. MAJOR LEAGUE 3831 LEE RD CLEVELAND, OH 44128		COSS081326 BO 2011-1132					
7. XXX							
8. XXX							



Total Number of Pieces Listed by Sender: 6  
Total Number of Pieces Received at Post Office: 6  
Postmaster, Print (Name of receiving employee): S. HARRISON  
See Privacy Act Statement on Reverse

PS Form 3877, February 2002 (Page 1 of 2) Complete by Typewriter, Ink, or Ball Point Pen

RETURN TO S. ROE UPON RECEIPT

Administrative Office  
Ohio State Board of Cosmetology  
1929 Gateway Circle  
Grove City, Ohio 43123

Case No. 2012-973

06/13/2012

Board ID: COSS.101077  
AQUA HAIR SALON & SPA  
2590 COLUMBUS ST  
GROVE CITY, OH 43123

### HEARING NOTICE

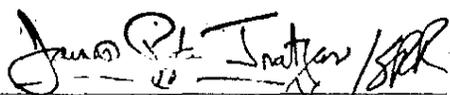
This letter is to acknowledge receipt of your request for a hearing. Pursuant to R.C. Section 119.07, the Ohio State Board of Cosmetology shall set this matter for hearing within fifteen (15) days, but not earlier than seven (7) days from receipt of the request. Therefore, this hearing shall be scheduled for **June 19, 2012 at 11:30 a.m.** The hearing will be held at the Board offices at the above address.

You may appear at the hearing in person, by your attorney, or by such other representative as is permitted to practice before the Board, or you may present any position, arguments or contentions in writing. At the hearing you may present evidence and examine witnesses appearing for and against you.

**Please be advised that corporations may only appear through a licensed attorney.** If you fail to request a hearing within the allotted time, the Ohio State Board of Cosmetology may proceed to schedule a hearing to determine the eligibility for cosmetology licensure based solely on the information stated above.

If you have any questions, please contact the Administrative department at (614) 466-3834.

Sincerely,



James P. Trakas, Executive Director

C: File

AAG J. Katz

Hearing Officer B. Katz

June 7, 2012

Introduced by:

Jeri Massenelli and Rhonda Wood on behalf of Aqua Hair Salon

ID: COSS 101077

Case NO. 2012-973 SR

2590 Columbus Street Grove City OH, 43123

Contact Info: (614) 519-3416

RECEIVED

JUN 12 2012

**Subject:** Requesting a hearing for Case NO: 2012-973 SR

OHIO STATE BOARD  
OF COSMETOLOGY

To Whom It May Concern:

We are writing to you regarding the alleged complaints in Case NO. 2012-973 SR. The grounds on which we wish to appeal are that during the inspection by Zarella Lydic there was no mention of a fine or that the evidence found warranted one. She merely instructed us to make sure that each of the two nail technicians used desk air filtration systems while working. An additional reason why this complaint is unsubstantiated is because we operate a 2200sq ft. facility that has 10ft ceilings throughout and is equipped with central air and furnace. During the time of the inspection there was only one of the two nail technicians working and any fumes apparent would be minimal based on the size of the Salon.

Therefore, we are requesting reconsideration of this issue. If there is any additional information that we could offer to you that would hasten this matter, please feel free to contact us. Thank you for your time and consideration of this important matter.

Sincerely,

Jeri Massenelli

*Jeri L. Massenelli*

6/9/12

Rhonda Wood

*Rhonda Wood*

6/9/12



The mission of the Ohio State Board of Cosmetology is to protect and support the public through regulation and education while promoting the integrity of the industry.

Ohio State Board of Cosmetology  
1929 Gateway Circle, Grove City - Ohio 43123  
Phone: (614) 466-3834 & Fax: (614) 644-6880

### COMPLAINT FINDINGS

ID:COSS 101077

Complaint #12 00408

Name and Address of Business: Aqua Hair Salon  
2590 Columbus Street  
Grove City, Ohio 43123

Type of Complaint:

License/Certification     Sanitation     Safety     Other

Complaint Findings: Fumes are apparent in salon. Talked with nail tech, she has an air filtration unit on her desk but it was not turned on. Told her she must run the unit at all times when she is working. The other nail tech was not working during this investigation. The owner Rhonda I Wood COSM 881599 said she will advise the other nail tech to get a filtration unit for her manicuring table.

Is Complaint Substantiated?     Yes     No Will be taken care of immediately.

O.R.C. or O.A.C. Violations Observed (Explain in Findings Section):

- 4713.14 - Prohibited Acts
- 4713.41 - Salon Requirements (Severe Sanitation and Safety Issue - Photo must be included)
- 4713-1-07 - Failure to assist Board Inspector

Wednesday, March 21, 2012

Signature of Business Representative

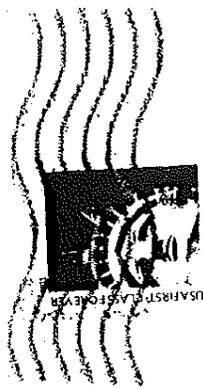
Date

Wednesday, March 21, 2012

Signature of Business Compliance/Investigator

Date

Aqua Hair Salon & Spa  
2590 Columbus St.  
Grave City, OH. 43123



COLUMBUS OH 43211  
13 JUN 2012 PM 2:11

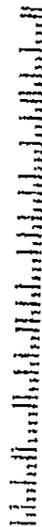
Ohio State Board of Cosmetology  
1929 Gateway Circle  
Grave City, OH. 43123

RECEIVED

JUN 12 2012

OHIO STATE BOARD  
OF COSMETOLOGY

43123956729



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature X <i>Tom Massenelli</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  2012-973 NOV COSS.101077 AQUA HAIR SALON & SPA 2590 COLUMBUS ST GROVE CITY, OH 43123	B. Received by (Printed Name) <i>Tom Massenelli</i>	C. Date of Delivery <i>6/2/12</i>
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
PS Form 3811, February 2004	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	7011 3500 0003 5400 5127	
	Domestic Return Receipt	10255-02-11-1540

Administrative Office  
Ohio State Board of Cosmetology  
1929 Gateway Circle  
Grove City, Ohio 43123  
Board ID: COSS.101077

Case No. 2012-973 SR

05/31/2012

AQUA HAIR SALON & SPA  
2590 COLUMBUS ST  
GROVE CITY, OH 43123

**NOTICE OF VIOLATION**  
**\*YOU MUST RESPOND WITHIN 30 DAYS\***

This notice results from an inspection that took place at AQUA HAIR SALON & SPA on 3/21/2012 (copy of said inspection is enclosed as Exhibit A). Information obtained from this inspection indicates to the Board of Cosmetology that you are in violation of the statutes and rules governing the practice of Cosmetology in the State of Ohio. The alleged violation(s) are as follows: **ORC 4713.41 Salon Requirements: (D) Salon is kept in a clean and sanitary condition and properly ventilated.**

Section 4713.64 of the Ohio Revised Code authorizes the Board to deny, suspend, or revoke a license(s) and/or impose a fine for violations. Therefore, you are hereby notified that in thirty-one (31) days from the date of this Notice, the Board intends to impose the following sanction(s) against your license(s) for the alleged violation(s) listed above: **FINE \$500 AND/OR SUSPEND OR REVOKE YOUR LICENSE.**

**YOU HAVE THREE OPTIONS:**

**(1) YOU HAVE A RIGHT TO REQUEST A HEARING TO DISPUTE THE VIOLATION(S)**

Your request for a hearing must be made in writing and received at the Board office within thirty (30) days of the date of this notice. You may also contact the Board via email at [sonja.roe@cos.state.oh.us](mailto:sonja.roe@cos.state.oh.us) to confirm your request. You may appear at the hearing in person or by your attorney, or you may present any position, arguments or contentions in writing. At the hearing you may present evidence and examine witnesses appearing for and against you. Please be advised that corporations may only appear through an attorney licensed to practice law in Ohio. If you fail to request a hearing within the allotted time, the Ohio State Board of Cosmetology may impose, without a hearing, the sanctions listed above, as an Order of the Board. Do NOT submit any fine payment until after you receive the Board Order.

**(2) YOU HAVE THE OPTION TO SETTLE THE MATTER WITHOUT A HEARING**

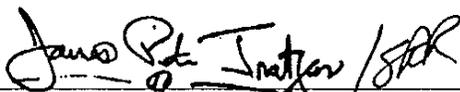
If you do not dispute the above listed violations you may qualify for a reduced fine and/or suspension in lieu of revocation if you submit the accompanying Settlement Agreement form to the Board office within the next thirty (30) days. Provided you have not been fined previously for the same violation(s) listed above, your fine may be reduced by 50 percent (50%). Do NOT submit any fine payment until after you receive the Board Order.

**(3) YOU HAVE THE OPTION TO WAIT FOR THE FINAL BOARD ORDER**

Failure to respond to this Notice will result in the Board issuing an Order imposing the full sanction above, the denial of future license applications, and suspension of all licenses currently issued to you by the Board.

Please forward any questions to Sonja Roe; by phone at 614-728-9111, by fax at 614-644-6880, or by email at [sonja.roe@cos.state.oh.us](mailto:sonja.roe@cos.state.oh.us)

BY AUTHORITY OF THE OHIO STATE BOARD OF COSMETOLOGY.



James P. Trakas, Executive Director

# Exhibit 1

Page 14 of 19

Administrative Office  
Ohio State Board of Cosmetology  
1929 Gateway Circle  
Grove City, Ohio 43123  
Board ID: COSS.101077

Case No. 2012-973 SR

05/31/2012

AQUA HAIR SALON & SPA  
2590 COLUMBUS ST  
GROVE CITY, OH 43123

## SETTLEMENT AGREEMENT

I, \_\_\_\_\_, doing business as \_\_\_\_\_ do hereby waive my right to a hearing regarding the violation(s) set forth in the Notice of Violation letter dated 05/31/2012 and agree to the following terms:

- A. I acknowledge lawful service and receipt of the Notice of Violation issued by the Board on 05/31/2012.
- B. I do not dispute the violation(s) cited in the above mentioned Notice of Violation.
- C. I have corrected the above mentioned violations.
- D. I am aware that compliance with Chapter 4713 of the Ohio Revised Code and Ohio Administrative Code is my responsibility, and as such, I will comply with all laws and rules governing cosmetology in Ohio.
- E. I understand that additional violations for the same issue(s) will result in an increased fine and possible suspension of my license.
- F. The Board agrees to hold one half (50%) of the fine amount in abeyance pending completion of a 12 month probationary period by the affected licensee and no previous fine imposition for the same violation(s).

### TERMS OF PROBATION

- G. I understand that this agreement is subject to review and approval by the members of the Board, after which, a Board Order will be issued.
- H. I understand that by signing and submitting this settlement to the Board, I waive my right to appeal the Board Order issued in this matter.
- I. I agree that from the date I receive the Board Order, I will begin serving a 12 month probationary period; and, my failure to complete the said probation without additional violations will result in the remainder of the fine being imposed against my license.

## CERTIFICATION

STATE OF OHIO

COUNTY OF \_\_\_\_\_; ss

I hereby swear or affirm that I knowingly and voluntarily submit this Waiver of Hearing and Settlement and agree to the terms so identified.

\_\_\_\_\_  
Signature Date

Subscribed in my presence and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public Commission Expiration

NOTARY SEAL

C: Inspector ZARELLA-LYDIC  
CERTIFIED MAIL# 7011 3500 0003 5400 5127

Administrative Office  
Ohio State Board of Cosmetology  
1929 Gateway Circle  
Grove City, Ohio 43123

Case No. 2012-973 SR

**\*\*IMPORTANT INFORMATION\*\***

A **Notice of Violation** is issued to inform a licensee that the Board is considering taking action against their license(s). The action (or sanction) may be in the form of a monetary fine, license suspension, or license revocation.

**Requesting a hearing** will result in an adjudicatory hearing being scheduled for you. Please note that **Corporations must be represented by an attorney.** The hearing will take place at the Board office in Grove City. Hearings are presided over by an attorney licensed to practice law in the state of Ohio. The assistant Attorney General assigned to the Ohio State Board of Cosmetology will represent the Board and present the Board's evidence. If you consider requesting a hearing you should be prepared to bring evidence to help prove that you did not commit the alleged violation.

**Settlement Agreements** are the most efficient and cost effective method to resolve an administrative action. To exercise this option, the licensee simply signs the agreement in front of a Notary Public, has the document notarized, and returns the document to the Board office within 30 days of the date printed on their Notice of Violation.

- Settlement agreements for businesses with an individual owner should be completed and signed by the owner. The owner's name should be printed in the first blank and the business name printed in the second blank.
- Settlement agreements for businesses owned by a **corporation must be signed by their attorney.** Corporate name should be printed in the first blank and the salon name printed in the second blank.
- Settlement agreements for individuals must be signed by the individual. Your first and last name should be printed in the first blank and the word "self" or "independent contractor" printed in the second blank.

A **Board Order** is the official and final notice that is issued to the licensee to inform them of the sanction that the Board has ordered against their license. A Board Order is issued only after the licensee has either; been given a hearing, has submitted the settlement agreement, or has failed to act and 30 days have passed since the Notice of Violation was issued.

As a license holder in the state of Ohio, it is your responsibility to educate yourself on the laws and rules that govern your selected profession. You can find all of the Ohio Cosmetology laws and rules on our website at <http://www.cos.ohio.gov/lawsrules.php>



The mission of the Ohio State Board of Cosmetology is to protect and support the public through regulation and education while promoting the integrity of the industry.

Ohio State Board of Cosmetology  
1929 Gateway Circle, Grove City - Ohio 43123  
Phone: (614) 466-3834 & Fax: (614) 644-6880

### COMPLAINT FINDINGS

ID:COSS 101077

Complaint #12 00408

Name and Address of Business: Aqua Hair Salon  
2590 Columbus Street  
Grove City, Ohio 43123

Type of Complaint:

License/Certification     Sanitation     Safety     Other

Complaint Findings: Fumes are apparent in salon. Talked with nail tech, she has an air filtration unit on her desk but it was not turned on. Told her she must run the unit at all times when she is working. The other nail tech was not working during this investigation. The owner Rhonda I Wood COSM 881599 said she will advise the other nail tech to get a filtration unit for her manicuring table.

Is Complaint Substantiated?     Yes     No Will be taken care of immediately.

O.R.C. or O.A.C. Violations Observed (Explain in Findings Section):

- 4713.14 - Prohibited Acts
- 4713.41 - Salon Requirements (Severe Sanitation and Safety Issue - Photo must be included)
- 4713-1-07 - Failure to assist Board Inspector

*Rhonda I Wood*

Wednesday, March 21, 2012

Signature of Business Representative

Date

*Arella Lydis*

Wednesday, March 21, 2012

Signature of Business Compliance/Investigator

Date

## COMPLAINT FORM

### What type of complaint is this?

Unlicensed Person(s)  Services in residence  Sanitary issues  Safety  Other (explain)

Explain the circumstances involved in your complaint:

Chemical Fumes in salon. See Enclosed Complaint

### Facility Information

Name of Facility Aqua Hair Salon

Address of Facility 2590 Columbus Street Grove City 43123 County Franklin

### Complainant Information

Your name (Please Print) Dawn Gibson

Your mailing address 3090 Catan Loop Grove City 43123

Your residence phone/cell number \_\_\_\_\_

Email address (if applicable) \_\_\_\_\_

\_\_\_\_\_  
(Signature of person filing complaint)

**\*\*This document must be signed to be considered for formal action.**

OFFICE USE ONLY:

Inspector: \_\_\_\_\_ Complaint #: 12-0048

RECEIVED

MAR 20 2012

March 16, 2012

Ohio State Cosmetology  
1929 Gateway Circle  
Grove City, Ohio 43126  
Attn: Ann Marie

Compliant Address:

Aqua Hair Salon  
2590 Columbus Street  
Grove City, Ohio 43123

Chemical Fumes in this salon were so severe while having my hair styled that I had trouble breathing. I tried holding a towel over my face however this did not help. I also suffered headaches after I returned home.

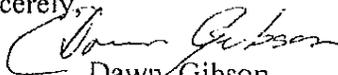
The following week when I arrived for my appointment, the fumes were so bad that I could not stay to have my hair styled.

My concern is that the chemicals used by the nail technicians will cause serious health problems to the customers and the people that work at this salon on a daily basis. A proper ventilation system is needed for the nail area with separation from the staff that works in the hair styling area and their customers.

Since there are regulations for smoking, certainly there should be protection for those that patronize this salon and the staff that works there, who are exposed to a more dangerous health problem.

Please advise me of what actions have been taken to solve this problem and what government agencies have been advised of changes that have been made.

Sincerely,



Dawn Gibson  
3090 Catan Loop  
Grove City, OH 43123

**Contact View Screen** [update]

[add tickle]

<p>AQUA HAIR SALON &amp; SPA</p> <p><input checked="" type="radio"/> Public <input type="radio"/> Mail</p> <p>AQUA HAIR SALON &amp; SPA 2590 COLUMBUS ST GROVE CITY, OH 43123</p>	<p>ID 4122711</p> <p>Status Active</p> <p>Warning ADMINISTRATIVE ACTION</p> <p>SSN / FEIN # ***** 5732</p> <p>Public File YES</p> <p>Mailing List</p> <p>Business Type LIMITED LIABILITY COMPANY</p>	<p>Audit Issues</p> <p>Cont. Edu Documents</p> <p>Exams Experience History</p> <p>Renewal History Schools</p> <p>Supervises SupervisedBy</p> <p>Flags Librarian Application</p>
<p>Comments: VERBAL PERMISSION WAS GIVEN TO OPEN SALON 10/29/2010. JW</p>		

**Contact Addresses** [new]

<p>AQUA HAIR SALON &amp; SPA 2590 COLUMBUS ST GROVE CITY, OH 43123 County : Franklin</p> <p>Last updated by Shelly Billingsley</p>	<p>Phone</p> <p>Fax</p> <p>Cell</p> <p>Email</p>	<p>[update]</p> <p>MAIN</p> <p>Public Address</p> <p>Mail Address</p> <p>Form Letter</p> <p>Copy Address</p>
<p>AQUA HAIR SALON &amp; SPA LLC JERI-LYNN MASSENELLI . OH</p> <p>Last updated by Shelly Billingsley</p>	<p>Phone</p> <p>Fax</p> <p>Cell</p> <p>Email</p>	<p>[update]</p> <p>OWNER NAME</p> <p>Form Letter</p> <p>Copy Address</p>
<p>AQUA HAIR SALON &amp; SPA 2590 COLUMBUS ST GROVE CITY, OH 43123 County : Franklin</p> <p>Last updated by Shelly Billingsley</p> <p>Comments:</p>	<p>Phone (614) 539-4548</p> <p>Fax (614) 519-3416</p> <p>Cell</p> <p>Email aquahairsalonspa@yahoo.com</p>	<p>[update]</p> <p>COSS. 101077</p> <p>CREDENTIAL MAIL ADDRESS</p> <p>Form Letter</p> <p>Copy Address</p>

**Credentials** [new]

Credential	Sub	License Type	License Issue	Expiration Date	Status	Reason
COSS.101077		Beauty Salon	10/28/2010	01/31/2013	ACTIVE	

**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

Page 6 of 7

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

U.S. Department of Labor

Occupational Safety and Health Administration  
230 South Dearborn Street, Room 3244  
Chicago, Illinois 60604  
(312) 353-2230



NOV 27 2012

Rhonda Wood  
Aqua Spa & Salon, LLC.  
2590 Columbus Street  
Grove City, Ohio 43123

*UPS Delivery*

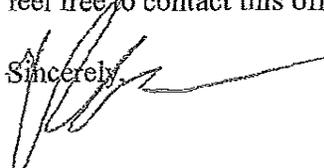
RE: Aqua spa & Salon, LLC./Zborovsky/5-1800-12-074

Dear Ms. Wood:

Attached is the Secretary's Findings for the above complaint. OSHA sent the findings to the Complainant. OSHA has afforded the Complainant the opportunity to file an appeal of this dismissal with the U.S. Department of Labor- OSHA, Director of Enforcement Programs within 15 days from the date the Complainant receives the findings. In the event Complainant takes no appeal action, OSHA will consider this case closed.

If at any time, you have any questions or require any information regarding employer rights and employer responsibilities under Section 11(c) of the Occupational Safety and Health Act, please feel free to contact this office by mail or telephone.

Sincerely,

  
Karena Lorek  
Regional Supervisory Investigator

Enclosure: Secretary's Findings

**U.S. Department of Labor**

Occupational Safety and Health Administration  
230 South Dearborn Street, Room 3244  
Chicago, Illinois 60604  
(312) 353-2230



NOV 7 7 2012

Dazeen Zborovsky  
3158 Columbus Street  
Grove City, Ohio 43123

*UPS Delivery*

Re: Aqua Spa & Salon, LLC./Zborovsky/5-1800-12-074

Dear Ms. Zborovsky:

This is to advise you that we are closing our investigation of the above-referenced complaint filed by you, Dazeen Zborovsky (Complainant) against Aqua Spa & Salon, LLC., (Respondent) on June 8, 2012, under Section 11(c) of the OSH Act., 29 USC §660(c). In brief, you alleged that Respondent escorted you off the job because your mother filed a safety and health complaint with the Ohio Board of Cosmetology.

Following an investigation by a duly authorized investigator, the Secretary of Labor, acting through her agent, the Regional Administrator (OSHA), Region 5 issues the following findings.

#### **Secretary's Findings**

Respondent is a person within the meaning of 29 USC §652(4). Respondent provides booth rentals to independent contractors to offer Salon and Spa services to customers. The Complainant was a contractor covered under 29 USC §652(b). Complainant and Respondent are covered by Section 11(c).

Complainant asserted that on June 6, 2012, Respondent escorted her off the job because her mother filed a safety and health complaint with the Ohio Board of Cosmetology. On June 8, 2012, Complainant filed a complaint with the Secretary of Labor alleging that Respondent retaliated against him in violation of Section 11(c) of the OSH Act., 29 USC §660(c). As this complaint was filed within the 30 days of the alleged adverse action, it is deemed timely

On June 18, 2012, OSHA notified Complainant that her case was being docketing for investigation. On October 10, 2012, Regional Supervisory Investigator assigned the case to the Investigator. On October 12, 2012, the Investigator notified Complainant via certified mail about the assignment of her case and that the Investigator will be following up with her to commence the investigation. The Investigator also afforded Complainant a copy of the Respondent's rebuttal to his allegation.

On October 19, 2012, the Investigator attempted to contact Complainant by leaving a telephone message advising her to contact the OSHA Office to refute Respondent's defense. Complainant did not return a telephone call to OSHA.

On October 24, 2012, the Investigator sent a certified letter to Complainant informing her to contact the OSHA Office within 10-days after the receipt of the letter. OSHA also informed Complainant that her case will be dismissed if she did not contact OSHA within the allotted time-frame. On November 10, 2012, the United States Postal Service's status of the certified letter revealed that Complainant failed to pick up the certified letter.

As of November 10, 2012, Complainant did not respond to OSHA's telephone message or the certified letter. Therefore, the case has been dismissed due to lack of cooperation on behalf of Complainant.

This case will be closed unless Complainant files an appeal by sending a letter to:

Director  
Director of Enforcement Programs  
U.S. Department of Labor-OSHA  
200 Constitution Avenue, N.W.  
Room N 3610  
Washington, D.C. 20210

With copies to:

Regional Administrator  
U.S. Department of Labor-OSHA  
230 S. Dearborn Street, Room 3244  
Chicago, IL 606604

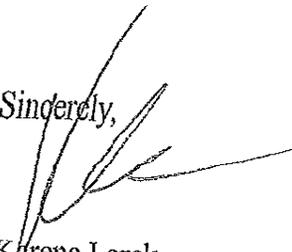
Mary Ann Howe, CFE  
Assistant Regional Administrator  
Whistleblower Protection Program  
U.S. Department of Labor-OSHA  
365 Smoke Tree Plaza  
North Aurora, IL 60542

To be considered, an appeal must be postmarked within 15 days of receipt of this letter. If this finding is appealed, the Director of Enforcement Programs will review the case file to ascertain whether the investigation dealt adequately with all factual issues and the investigation was conducted fairly and in accordance with applicable laws. The outcome of an appeal is either the return of the case to the investigator for further investigation or denial of the appeal, after which the case is closed.

# Exhibit 3

Page 4 of 4

*Sincerely,*



Karena Lorek  
Regional Supervisory Investigator

cc: Respondent

---