

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF
INVESTIGATION**



**AGENCY: OHIO STATE BOARD OF COSMETOLOGY
FILE ID NO.: 2012-CA00071
DATE OF REPORT: AUGUST 13, 2013**

The Office of the Ohio Inspector General ... The State Watchdog

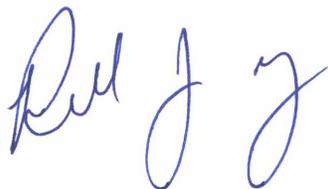
“Safeguarding integrity in state government”

The Ohio Office of the Inspector General is authorized by state law to investigate alleged wrongful acts or omissions committed by state officers or state employees involved in the management and operation of state agencies. We at the Inspector General’s Office recognize that the majority of state employees and public officials are hardworking, honest, and trustworthy individuals. However, we also believe that the responsibilities of this Office are critical in ensuring that state government and those doing or seeking to do business with the State of Ohio act with the highest of standards. It is the commitment of the Inspector General’s Office to fulfill its mission of safeguarding integrity in state government. We strive to restore trust in government by conducting impartial investigations in matters referred for investigation and offering objective conclusions based upon those investigations.

Statutory authority for conducting such investigations is defined in *Ohio Revised Code §121.41* through *121.50*. A *Report of Investigation* is issued based on the findings of the Office, and copies are delivered to the Governor of Ohio and the director of the agency subject to the investigation. At the discretion of the Inspector General, copies of the report may also be forwarded to law enforcement agencies or other state agencies responsible for investigating, auditing, reviewing, or evaluating the management and operation of state agencies. The *Report of Investigation* by the Ohio Inspector General is a public record under *Ohio Revised Code §149.43* and related sections of *Chapter 149*. It is available to the public for a fee that does not exceed the cost of reproducing and delivering the report.

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The Inspector General’s Office remains dedicated to the principle that no public servant, regardless of rank or position, is above the law, and the strength of our government is built on the solid character of the individuals who hold the public trust.



Randall J. Meyer
Ohio Inspector General



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF INVESTIGATION

FILE ID NUMBER: 2012-CA00071

SUBJECT NAME: James P. Trakas

POSITION: Executive Director

AGENCY: Ohio State Board of Cosmetology

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Misuse of position or office to harass or intimidate.

INITIATED: June 12, 2012

DATE OF REPORT: August 13, 2013

INITIAL ALLEGATION AND COMPLAINT SUMMARY

The Office of the Ohio Inspector General received a complaint alleging that Ohio State Board of Cosmetology Executive Director James Trakas was improperly involved in a salon disciplinary action. The complainants specifically alleged that Director Trakas contacted the owners of Aqua Hair Salon and Spa and indicated that it would be in their best interest to retain an independent contractor the owners were preparing to dismiss. Director Trakas allegedly threatened the salon owners with legal action unless they retained the independent contractor for an additional 2-3 months. Director Trakas also allegedly stated to both salon owners that he would “make the fine go away” if the independent contractor was retained for the additional 2-3 months.

BACKGROUND

The Ohio State Board of Cosmetology is responsible for licensing and regulating beauty salons and individual licensees, and also has oversight of the indoor tanning industry. The board is composed of nine members appointed by the governor and confirmed by the Ohio Senate. An executive director is appointed by the board to oversee the day-to-day operations. The Ohio State Board of Cosmetology is funded through fees and other monies paid by those they oversee.¹

O.A.C. 4713-1-02; Appointing authority/Duties of the Executive Director.

The administrative agency concerned with the practice of cosmetology shall be headed by the executive director of the “Board”. The executive director shall operate as the chief administrator of the “Board’s” daily transactions of an administrative nature in accordance with all rules established by the “Board” for the governing of the “Board” and the implementation or enforcement of rules and orders of the “Board”.

¹ Source: biennial budget documents.

The Office of the Ohio Inspector General opened this complaint as a preliminary inquiry on June 12, 2012. The matter was opened as an investigation on December 12, 2012.

INVESTIGATIVE SUMMARY

Aqua Hair Salon and Spa owners Jeri-Lynn Massenelli and Rhonda Wood

The Office of the Ohio Inspector General conducted interviews with Jeri-Lynn Massenelli and Rhonda Wood, the owners of Aqua Hair Salon and Spa, on July 20, 2012, September 26, 2012, and December 4, 2012. They own and operate Aqua Hair Salon in Grove City, Ohio and describe the business as a booth rental facility that has no employees. The salon rents booth space to stylists on a monthly basis and provides the space, utilities, chairs, cabinets, shelving, and items such as shampoo and conditioners. The salon also controls the purchase and sale of all retail products sold in the shop. All four of the cosmetologists at Aqua Hair Salon are independent contractors, who operate their own businesses in the salon space.

Wood and Massenelli said they were first contacted by a Daveen Zborovsky on February 7, 2012, who inquired about renting booth space as a hair stylist at Aqua Hair Salon. Wood and Massenelli met with Zborovsky at the salon on February 8, 2012, and discussed the rental arrangement. Zborovsky began seeing clients at Aqua Hair Salon on February 21, 2012.

Wood and Massenelli stated that there were problems with Zborovsky almost immediately. They said some of the other independent contractors complained that Zborovsky was taking items from their work station cabinets without permission. They also reported that she made unprofessional comments to clients about the salon, the owners, and other contractors on three separate dates in March 2012. Wood and Massenelli discussed the problems, but decided to take no further action until Massenelli returned from maternity leave in May.

Wood stated that on March 21, 2012, Ohio State Board of Cosmetology Inspector Ann Marie Zarella-Lydic came to Aqua Hair Salon in response to a complaint that had been made to the Cosmetology Board (#12-0046). Inspector Zarella-Lydic told Wood that the Cosmetology Board had received a complaint about fumes from the nail technicians' work station. She indicated that fumes were apparent and advised Wood that the air filtration units were to be run at all times when the nail technicians were working. Inspector Zarella-Lydic told Wood she was giving the salon a warning for the violation and provided her with a copy of the complaint findings form. Wood signed the form. No other violations were noted during the inspection. Wood and Massenelli later discovered that the complaint made to the Ohio State Board of Cosmetology had originated from Zborovsky's mother, Gloria (Dawn) Gibson.

Wood and Massenelli said that they continued to have problems with Zborovsky about work station cleanliness, parking in unauthorized areas, and complaints about her language and behavior. A meeting was scheduled with Zborovsky on May 18, 2012, but she did not come in to work. Wood and Massenelli said that on June 1, 2012, they discovered that Zborovsky was selling her own retail products in the salon, in violation of the independent contractor agreement.

On June 2, 2012, Wood and Massenelli called Zborovsky and asked her to come to the salon and meet with them. They said that Zborovsky was unable to meet, but she did have a discussion on the phone where she was told that she would have a week or two to find another place to work. Wood and Massenelli told her they did not think the Aqua Hair Salon and Spa was a good fit for her and they would like her to leave.

Wood and Massenelli said that, on June 2, 2012, a certified letter ([Exhibit 1](#)) from the Ohio State Board of Cosmetology was delivered to the salon indicating that the business was being fined \$500 for the violation detected on March 21, 2012. Massenelli said that she called Sonja Roe at the Cosmetology Board and left a message saying she and Wood were under the impression they were not going to be fined for the violation. Wood

received the return call from Sonja Roe on June 5, 2012. Roe told her that there was no notation on the file about a fine, but she would check into it and call her back. No return call was received.

Wood said that on June 5, 2012, she received a call from Cosmetology Board Executive Director Jim Trakas, who told her that they needed to allow Zborovsky to work for another 2-3 months and, "I will make the fine go away." Wood said that Trakas also mentioned the "whistle blower act" and didn't want to hear any information about Zborovsky being an independent contractor. Massenelli then called Trakas and asked him to confirm that if Zborovsky was dismissed, they would be required to pay the \$500 fine, but if she was allowed to continue to keep her space at the salon for 2-3 months, he would "make the fine go away." Trakas confirmed this with Massenelli. Massenelli said that Trakas told her the salon would be "looking at a law suit" if they dismissed Zborovsky. She also said that Trakas was rude and did not listen to the explanations that Zborovsky was not an employee of the salon.

Massenelli said she called the Cosmetology Board on the morning of June 6, 2012, and spoke to Ki Taylor, customer service representative. She told him what had transpired the previous day. Taylor told Massenelli things didn't sound correct and that he would call Trakas and obtain some clarification for them. Wood and Massenelli said that Taylor called them back later, apologized, and wouldn't go into the details of the conversation he had with Trakas. They said that Taylor only outlined what were the official duties of the board.

Wood and Massenelli said that Zborovsky moved out of the salon on June 6, 2012. Both stated that they arranged to have a Grove City Police Officer, Derek Caudill (Rpt. # 12042583), on site when the move occurred. Wood and Massenelli stated that Gloria Gibson, Zborovsky's mother, told them, "... we will be seeing you girls again." Wood and Massenelli said they have had no contact with Daveen Zborovsky since June 6, 2012. Wood and Massenelli stated that on July 10, 2012, they attended a meeting of the Ohio

State Board of Cosmetology where Massenelli was given three minutes to read a short statement concerning her complaint about the actions of Director Trakas.

Kijuana Taylor, Ohio State Board of Cosmetology Customer Service Assistant I

The Office of the Ohio Inspector General conducted an interview with Kijuana Taylor, Customer Service Assistant I, on Sept 26, 2012. Taylor stated that he has been employed in his current position for approximately three years. He explained that his job duties involve answering phones, greeting licensees and the public, and responding to questions about the Cosmetology Board and its regulations. Taylor stated that he is familiar with the case involving the Aqua Hair Salon and Jeri Massenelli. Taylor stated he had contact with Dawn Gibson when she complained about the salon, and again about the release of Gibson's complaint letter. Taylor said he explained to Gibson that all complaints made to the Cosmetology Board were public record. She was unhappy that her name had been released and wanted to speak with Director Trakas. Taylor stated that he connected Gibson and Director Trakas' phone call.

Taylor stated that he had contact with Jeri Massenelli in early June 2012. Massenelli had called to double check some information she had received in a phone call from Director Trakas. Massenelli indicated to Taylor that she did not think she had been treated fairly, that Director Trakas was rude, and Massenelli felt she was being blackmailed. Taylor said that Massenelli told him Director Trakas would "make the fine go away" if she kept Daveen Zborovsky employed. Taylor also recalled that Massenelli explained Zborovsky was not her employee, but a contractor renting booth space.

Taylor stated he thought Massenelli had been given the wrong information, and the information did not sound right. He said the board could not regulate booth rental contractor arrangements and said he told Massenelli he would check with Director Trakas and respond back to her. Taylor said that he spoke to Trakas and was concerned with what he was told. He said that Trakas confirmed the statement about "making the fine go away" that he made to Massenelli. Taylor said that he disagreed with the director and

communicated that to him. Taylor said that, in his opinion, Trakas was not acting in line with the regulations.

Taylor stated that he did return the call to Massenelli later the same day. Taylor said that he apologized to Massenelli for the problem, and while not going into detail about his conversation with Director Trakas, Taylor outlined what were the official duties of the Cosmetology Board. Taylor indicated that he told Massenelli when the next board meeting was scheduled and suggested that she attend and share her experience with Director Trakas with the board.

Taylor said Massenelli and Wood did attend the July 10th meeting of the Ohio State Board of Cosmetology. He had them placed on the agenda and saw they had appeared in the board meeting minutes. ([Exhibit 2](#)) Taylor was puzzled that Massenelli and Wood had been placed in the public testimony section of the agenda and allowed to speak for only three minutes. Taylor said that he had expected them to be included in the regular meeting agenda, due to the serious nature of their complaint.

Sonja Roe, Ohio State Board of Cosmetology Administrative Action Coordinator

The Office of the Ohio Inspector General conducted an interview with Sonja Roe, administrative action coordinator, on November 1, 2012. Roe stated she has been employed in her current position for approximately seven years. The State of Ohio classification for her position is Administrative Professional II. Roe said her duties involve processing the paperwork for her assigned team of inspectors and noted that when an inspector's report on a complaint investigation is completed, the documents come to her for processing. Roe said that she is responsible for generating letters to violators, processing settlement letters, scheduling hearings, and preparing for hearings and appeals. Ann Marie Zarella-Lydic is assigned to her team.

Roe said she was familiar with the case involving the Aqua Hair Salon and was aware of the executive director's involvement. Roe stated she found his involvement "unusual." Roe stated she did recall speaking to Jeri Massenelli when she called to inquire about the

violation in May 2012. Roe said that when she spoke to Massenelli, she explained the fines for violations and outlined the options for hearings and appeals. Roe said she knew nothing about the director's involvement at that time. Roe said she recalled having a conversation with Director Trakas around May 28 or 29, 2012, prior to sending out the notice of violation to Massenelli. The notice was prepared and ready to be mailed when Director Trakas told her to "hold off"; he was going to "... try to work something out with them;" he was, "... going to pay them a visit." Roe said the morning after this conversation, Director Trakas came to her office and told her to go ahead and issue the notice. Roe said that she put it in the mail that same day.

When asked about the request to delay the mailing and Director Trakas' involvement, Roe responded that this "... had never happened in my 7 years in this job." Roe said, "... it's definitely odd; he has never taken a personal interest in any administrative action case before." Roe said she has had no contact with Gibson or Zborovsky. Roe said she had discussed the matter with her co-worker, Kevin Hermensky, and heard that Dawn Gibson did meet with Director Trakas prior to the July 10, 2012, board meeting. Roe could not provide a specific date.

Roe stated that the matter with Aqua Hair Salon had been settled in October 2012, when the owners withdrew their request for a hearing and entered into a settlement agreement. The terms of the agreement as approved by the board were: a fine of \$250, with \$250 immediately stayed pending the successful completion of 12 months of probation beginning September 25, 2012, and ending September 25, 2013. ([Exhibit 1](#))

Ann Marie Zarella-Lydic, Ohio State Board of Cosmetology

Investigation and Complaint Liaison

The Office of the Ohio Inspector General conducted an interview with Ann Marie Zarella-Lydic, investigation and complaint liaison, on November 6, 2012. Zarella-Lydic stated she has been employed in her current position for approximately 4½ years and by the Ohio State Board of Cosmetology for a total of 27 years. The State of Ohio

classification for her position is Program Administrator II. Zarella-Lydic said her duties involve responding to complaints made about facilities and staff licensed by the Ohio State Board of Cosmetology. She said she covers the entire State of Ohio and is the inspector who conducted the visit to Aqua Hair Salon on March 21, 2012.

Zarella-Lydic recalled her complaint visit to the Aqua Hair Salon on March 21, 2012. She stated when she entering the salon, the smell was not "... knock you over – like on most complaints." Zarella-Lydic said she spoke to the "young lady" at the fingernail table and asked about her air filtration system and why it wasn't on. Zarella-Lydic said she told the woman to turn it on, and she did so.

Zarella-Lydic said she did not note any other violations during her visit. There was one person, Zborovsky, who did not have her independent contractor license. Zarella-Lydic said that she was a new contractor and she immediately left the salon to go to the Cosmetology Board office to get it. Zarella-Lydic said she called the board office later in the day to double check and was advised that the operator had indeed acquired the independent contractor license.

Zarella-Lydic said this case caused a change in the Ohio State Board of Cosmetology policy of releasing complainant information. Individuals now need to make a public record request to get a copy of complaint letters. Before this time, they were routinely provided as part of the inspection since they are public record. Zarella-Lydic said she had attempted to contact the complainant, Dawn Gibson, in this case, but was unsuccessful. Zarella-Lydic said she wanted to talk to her to get more information about the complaint prior to her inspection visit. She also wanted to inform her that her complaint was a public record since Gibson had not submitted it on the website and would not have seen the notice about public access.

When asked if she knew why Director Trakas was involved in the complaint or investigation concerning Aqua Hair Salon, Zarella-Lydic said she had no knowledge that he was. When asked how many times the executive director became involved in cases,

she said she had no knowledge about that – she just did her inspections and submitted the paperwork. Zarella-Lydic continued to say that she was not involved in the administrative process after her inspection report was submitted.

Gloria (Dawn) Gibson

The Office of the Ohio Inspector General conducted a telephone interview with Gloria (Dawn) Gibson on January 10, 2013. Gibson said she had visited the Aqua Hair Salon on Columbus Street in Grove City, where her daughter worked in March 2012, and noticed a strong smell coming from the area of the manicure station. Gibson said she sent a letter to the Ohio State Board of Cosmetology complaining about the smell.

Gibson said when the inspector from the board visited the shop and shared the complaint letter with the shop owners. Gibson stated this was what caused her daughter's problems with the other salon employees and owners. Gibson said she called the Ohio State Board of Cosmetology to complain and was told the board's regulations made all complaints public information. Gibson said she then asked who was in charge, eventually being told that James Trakas was the director. Gibson continued, stating she asked what time he came into the office, and was told around 8:30 a.m. Gibson said, the following morning, she waited at the Ohio State Board of Cosmetology offices in Grove City until James Trakas arrived. Gibson said Trakas was very nice and spoke with her in his office. Gibson said that Trakas indicated to her that he would try to address her concerns. Gibson said she did not know James Trakas or any other staff member at the Ohio State Board of Cosmetology. Gibson stated she had never met any of these people prior to her visit to the board offices, and that Director Trakas told her the board would hire her daughter Daveen for an inspector's position.

Gibson stated the next time she spoke to Director Trakas was on June 6, 2012. Gibson said she called him after her daughter was fired from her job and Gibson had helped remove her daughter's personal items from the Aqua Hair Salon, with a Grove City

Police officer present. Gibson stated that Director Trakas was shocked when told what had happened.

Gibson stated she and her daughter don't wish to pursue the matter any longer and want the complaint closed. Gibson said her daughter is still unemployed and depressed over the termination. Gibson continued, saying the staff at Aqua Hair Salon, the Grove City Police, and members of the Cosmetology Board caused her daughter, Daveen, to be passed over for the inspector's position with the Ohio State Board of Cosmetology.

James Trakas, Ohio State Board of Cosmetology Executive Director

The Office of the Ohio Inspector General conducted an interview with James Trakas, executive director, on February 19, 2013. Present during the interview, via conference call, was David J. Horvath, legal counsel for James Trakas.

Trakas provided an overview of the duties of the Cosmetology Board. He stated the board's function is to license service providers and to insure the protection and safety of the consumer public through inspections and complaint investigations. Trakas said he routinely reads inspection reports and investigation files, and also signs notices of violations before they are sent to the licensees.

Trakas stated he had reviewed the file and first recalled becoming involved in the Aqua Hair Salon and Spa matter in March of 2012. Kevin Hermensky, administrative action coordinator on his staff, had come to Trakas with a question about an independent contractor license. An applicant had come to the board office immediately after a salon inspection at Aqua Hair Salon and Spa conducted by Anne Marie Zarella-Lydic.

Trakas stated that inspector Zarella-Lydic had visited the salon for an inspection after receiving a complaint about fumes. Trakas added that Zarella-Lydic found a nail tech failed to turn on her air filtration unit and Zarella-Lydic had written a violation warning. During the inspection visit, Zarella-Lydic noted that a new independent contractor at the

salon did not have the proper license. The independent contractor left the salon and went directly to the Cosmetology Board office to acquire the license.

Hermensky's question to Trakas involved the fee. Was it the \$75 license fee, or was there also a fine to be imposed for the violation? Mr. Trakas recalled advising Hermensky that, since the independent contractor had come to obtain the license immediately, and she had been a former salon owner, unaware that she now needed an independent contractor license, the license fee was all that was required. The independent contractor in question was Daveen Zborovsky.

The Office of the Ohio Inspector General asked Trakas how involved he is in the day-to-day handling of inspections and complaints. Trakas responded he is very involved; probably more than any previous director. Trakas said he has an open-door policy and is available to staff and constituents at all times. He reads the inspection reports and reviews the files before signing any administrative actions. Trakas said he routinely is involved in adjusting fines and entering into settlement agreements since he sees his function as one of service to both the licensees and the public.

The Office of the Ohio Inspector General asked Trakas how fines are normally assessed for violations of *Ohio Revised Code §4713.41(D) Salon is kept in a clean and sanitary condition and properly ventilated*. Trakas said the board statute allows for fines of up to \$500 for a first offense, \$1,000 for a second offense, and \$1,500 for the third. As the executive director, he acts on behalf of the board in setting fines for violations as well as negotiating settlements. Both the fines assessed, and any settlement agreements, are ultimately approved by the board at the monthly meetings.

Trakas said he was contacted by Dawn Gibson, Zborovsky's mother, around Memorial Day weekend in 2012. She had made a complaint to the board concerning the fumes at Aqua Hair Salon in March 2012. She had called the board offices to voice disapproval that her complaint information had been provided to the Aqua Hair Salon owners. Her

daughter, Daveen Zborovsky, was an independent contractor at the salon. Gibson called Trakas' cell phone when the staff at the board offices was unable to satisfactorily address her concern.

Trakas also recalled speaking to board employee Sonja Roe in June 2012 about holding up the mailing of the final board order because he wanted to speak to the Aqua Hair Salon owners and see if he couldn't work something out. Trakas stated he spoke with both owners of Aqua Hair Salon and indicated to them that they could be facing a lawsuit or labor department action over the matter if they dismissed Zborovsky. Trakas said he directed Sonja Roe to go ahead and mail the order after he spoke to the Aqua Hair Salon owners. He admitted that he was quite terse with the salon owners during the conversation.

Trakas admitted to telling Massenelli and Wood that he would make the fine go away if they kept Zborovsky for another 2-3 months. Trakas said he was just trying to come up with a win-win scenario for both parties. Adjusting fines and entering into agreements with salon owners is within his duties and he saw nothing wrong with trying to reach a settlement with the Aqua Hair Salon owners that would also allow Zborovsky time to obtain other employment. The day- to-day operations of the Cosmetology Board are his responsibility as executive director. His decisions/actions are ultimately approved at the monthly meetings of the Ohio State Board of Cosmetology.

Trakas stated that he was disappointed when he heard the owners had called Zborovsky into the salon for a meeting, and had the Grove City Police Department present to remove her and her property from the salon. Zborovsky's mother, Gloria Gibson, called Trakas to tell him this was happening.

The Office of the Ohio Inspector General asked Trakas if he knew any of the participants in this case prior to the complaint, to which he replied he did not. Director Trakas was asked if he had made a complaint to the U.S. Labor Department concerning the matter.

Trakas said he did not, but he understood that Gibson and/or her daughter did contact the department because the Cosmetology Board offices were copied on the complaint correspondence. ([Exhibit 3](#))

The Office of the Ohio Inspector General asked Trakas if he had asked Zborovsky to apply for an open position with the Cosmetology Board. Trakas stated he told Gibson a position was open and Zborovsky should apply. Trakas continued, stating there were several hundred applicants and he was unaware if she had actually submitted an application. When he followed up later, his staff told Trakas that Zborovsky had applied but was not hired for the position. Trakas stated he did not offer Zborovsky any job.

The Office of the Ohio Inspector General told Trakas of Gibson's statement that her complaint and involvement in the matter was the reason her daughter was not hired at the Cosmetology Board. Trakas stated this was not correct – she was not the best candidate.

Trakas stated that the Ohio State Board of Cosmetology case was closed, with the Aqua Hair Salon owners signing a settlement agreement in October 2012. The owners agreed to pay a \$250 fine and serve 12 months' probation.² Trakas said he had no further contact with any of the parties involved in the matter.

CONCLUSION

The Office of the Ohio Inspector General initiated a preliminary investigation after receiving a complaint that James P. Trakas, executive director of the Ohio State Board of Cosmetology, was allegedly using his position to harass and intimidate the owners of the Aqua Hair Salon and Spa located in Grove City, Ohio. The results of interviews conducted during the preliminary investigation led to the opening of an investigation into the matter in December 2012.

The owners of Aqua Hair Salon and Spa were interviewed during the investigation, as were staff members from the Ohio State Board of Cosmetology and Executive Director

² Ohio State Board of Cosmetology Case File # 2012-973 SR

Trakas. A review of Ohio Revised Code Chapter 4713 and Ohio Administrative Code sections 4713-8-01 to 4713-15-17 was also conducted.

In this case, an inspection of the licensees' premise disclosed a violation, a notice was issued, and a fine was assessed. During the process, the salon owners were severing ties with one of their independent contractors. Director Trakas became involved because of what he perceived to be retaliation against the independent contractor for the complaint made about the salon. The board grants the executive director the authority to oversee the inspection process, initiate disciplinary proceedings, and issue notices of violation.³ But in accordance with Chapter 119 of the Ohio Revised Code, the "Board" will determine whether a "Board" licensee has committed a violation of Chapter 4713 of the Ohio Revised Code or the administrative rules promulgated under that chapter, and whether sanctions should be imposed when the "Board" determines violations have been committed.

Executive Director James Trakas expressed his belief that he was operating within the authority provided to the executive director of the Ohio State Board of Cosmetology when engaging the licensees in this matter. However, by negotiating a settlement that included requiring a licensee to retain an independent contractor in exchange for reducing or eliminating a fine, the executive director's actions in this matter were not in accordance with standards of proper governmental conduct as are commonly accepted in the community and thereby subvert, or tend to subvert, the process of government.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe that wrongful acts or omissions occurred in this instance.

³ O.A.C. 4713-8-02(C)

RECOMMENDATION(S)

The Office of the Ohio Inspector General recommends the Ohio State Board of Cosmetology consider whether the actions and conduct of the executive director warrants further administrative action or training, and asks that the Ohio State Board of Cosmetology respond to the Office of the Ohio Inspector General within 60 days of the date of this report of investigation.

[\(Click here for Exhibits 1 - 3 combined\)](#)



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OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio State Board of Cosmetology

FILE ID #: 2012-CA00071

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
August 13, 2013

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