

**OKLAHOMA STATE BOARD OF  
COSMETOLOGY AND BARBERING**

**BOARD MEETING MINUTES**

November 14, 2022

10:03 a.m.

2401 N.W. 23<sup>rd</sup>, Suite 84 Testing Center

Oklahoma City, OK 73107

Machele Calliccoat, Chair - Presiding

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1. Call to order, roll call, and determination of quorum

A quorum was established with roll call. The following Board members were present.

1. MACHELE CALLICOAT, CHAIR
2. AUSTIN HODGES
3. ERICKA JACKSON
4. LEAH LONGEST
5. THAO NGUYEN PHAM
6. JOEL ROGERS
7. HEATHER SINCLAIR
8. CARLA WILKINS

NOTE: board members Christie Luther and Erin Pierce were not present on this date.

**Board Legal Counsel**

Maria Mauhl

Kiley Cooper

**Board Staff**

Malena Curtsinger, executive director

John Funderburk, Principal Assistant

Janelle Hastings, Administrative Assistant

Amanda Otero, Inspection Program Coordinator

Caroline Hagberg, Inspector/Examiner

Asrar Johnson, Inspector/Examiner

Donna Glasper, Inspector/Examiner

**GUESTS**

Laura Grisso Eyster, Theresa Vu, Mary Elizabeth Leblanc, Sean Nguyen, Hoa Nguyen, Michael Vu, Linda Wiist, Mayra Ulte?, Brandy Bahm,

2. This regular meeting of the Oklahoma Cosmetology and Barbering Board has been convened in accordance with the Oklahoma Open Meeting Act.

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3. Possible discussion, revision, and vote to approve Board meeting minutes from October 17, 2022

A motion was made by Ms. Hodges and seconded by Ms. Longest to approve Board meeting minutes from October 17, 2022

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed.

4. Discussion and possible action to approve or disapprove budget report (October 31, 2022) – Brandy Bahm, OMES, Agency Business Services

A motion was made by Ms. Sinclair and seconded by Ms. Longest to approve the budget report

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed.

5. Report from Advisory Board on Massage Therapy – Laura Grisso-Eyster

Ms. Grisso Eyster reported that the Massage therapy advisory board met on October 27, 2022, and reviewed potential disqualification events crimes additionally looked at legislation to bring forward, both items are on the agenda for later today, will present same legislation submitted last year, major changes include establishment licensure, work permits, fix the fee schedule, staggering board member expiration dates, adding 2 more members, including establishment owner. We sent one member Kelly Lene' to FSMTB (the organization that issues the MBLEX exam, no major changes expected are far as the MBLEX is concerned, and we also established rules committee to meet next month.

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### 6. Executive Director Report – Malena Curtsinger

- Leadership Training Conference-- Ms. Curtsinger reported that she and John attended the RISE leadership training which was an all day training for employees of the state including leadership tactics, met the new executive director of OMES, end of the day was the CPM program including Asrar Johnson, inspector examiner.
- Inspector positions- Asrar Johnson's last day was November 18, 2022, Elaine Klemme has also given notice she will be retiring in February.
- Attended State Committee of Plumbing Examiners' hearings on citations, along with inspection staff and legal counsel- Ms. Curtsinger, John and the inspection team went to the Construction Industries Board meeting to observe a hearing on citations,
- SB1691 tracking form—November 1, 2022 the board is responsible for reporting to the legislature the number of license applications that are received, granted and the number of applications denied, due to criminal history and list of those with criminal history who are granted a license, we've developed a spreadsheet where this information is entered and tracked.
- Thentia update-we've had two meetings with the project manager to discuss our first steps, then a series of weekly workshops.

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7. Discussion and possible action regarding individual proceedings held pursuant to Article II of the Administrative Procedures Act. By vote, the Board may render a final or intermediate decision on any individual proceeding. Further, the Board may vote to enter executive session to discuss any individual proceeding pursuant to 25 O.S., § 307(B)(8). Should the Board enter executive session, a vote to exit executive session shall be publicly cast. Possible motion and vote to enter Executive Session regarding individual proceedings for the following citations:

Chair Callicoat identified herself as the board chair and presiding officer for this hearing in accordance with OAC 175 1- 5- 1 c the board may request the assistant attorney general assigned to the board to take part in the hearing proceedings as the board deems necessary accordingly may I entertain a motion to authorize AAG Maule to open the record make statement on the record as to whether service by mail was properly effected, rule on motion, and answer board questions on legal matters

A motion was made by Ms. Hodges and seconded by Ms. Sinclair to authorize AAG Maule perform the above tasks.

Voting:

Hodges, yes; Jackson yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed.

Ms. Maule stated the date and time, November 14, 2022 at 10.19 am. These hearings at the Oklahoma state board of cosmetology and barbering are called to order and the hearing record is now open for citation numbers 25 55 56 57 62 66 67 68 139 263 267 273 274 275 802 804 827 828 10 and 803 have been struck from this hearing

Chair Callicoat asked all board members to verbally identify themselves, Leah Longest, Joel Rogers, Austin Hodges, Thao Nguyen Pham, Carla Wilkins, Erica Jackson, Heather Sinclair.

Chair Callicoat stated for the record a quorum of the board is present and this board has jurisdiction to hear these citations.

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Is any voting member of the board aware of any reason which would render them unable to accord the respondents a fair and impartial hearing, please answer yes or no when your name is called.

AAG Maule: Yes means to recuse, no means impartial

Hodges, no; Jackson, no; Longest, no; Nguyen Pham, no; Rogers, no; Sinclair, no; Wilkins, no.

Chair Callicoat explained that the strict rule of evidence which apply in courts does not apply in administrative hearings, the practice of the board is more informal, counsel may object to admission to evidence and AAG Maule will rule on those objections, also rule on motions by counsel the board may reverse her rulings on motions. Following hearing for each citation the board will vote on whether to uphold the citation impose the fines as stated. The board could also vote to deny the citation or vote to uphold part but not all the citation. After hearing adjourned counsel will prepare final orders which will be signed by me and mailed to the respondents. For the record the board takes official notice of the Oklahoma administrative procedures act, the Oklahoma cosmetology and barber act 175 f the Oklahoma administrative code. Finally this hearing is being recorded and the recording constitutes the official record of these proceedings.

Citation 00010 Alex Mosley;

This citation was struck.

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Citation 00025 Brenda Martinez Gomes; (not present)

Inspector CAROLINE HAGBERG was sworn in and stated she is employed as examiner/inspector for OSBCB since March 2021.

A motion was made by Ms. Sinclair and seconded by Ms Hodges to uphold the citation and \$250 fine.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed.

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Citation 00055 Ysamar Castillo Auquero; (not present)

Witness: Caroline Hagberg

A motion was made by Ms. Longest and seconded by Ms., Hodges to uphold the citation and \$250 fine

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed.

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Citation 00056 Euphoria Salon & Spa; (not present)

Witness: Caroline Hagberg

A motion was made by Ms. Hodges and seconded by Ms. Nguyen Pham to uphold the citation and fine. Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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Citation 00057 Karen Mendez; (not present)

Witness: Caroline Hagberg

A motion was made by Ms. Sinclair and seconded by Mr. Rogers to uphold the citation and fine.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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Citation 00062 Kazoua Her Vang; (not present)

Witness: Caroline Hagberg

A motion was made by Ms. Hodges and seconded by Ms. Wilkins to uphold the citation and fine.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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Citation 00066 Loc Thang; (not present)

Witness: Caroline Hagberg

A motion was made by Ms. Sinclair and seconded by Mr. Rogers to uphold the citation and fine.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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Citation 00067 Diem T Nguyen (not present)

Witness: Caroline Hagberg Inspector

A motion was made by Ms. Hodges and seconded by Ms. Jackson to uphold the citation and fine.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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Citation 00068 Nail Spa; (not Present)

A motion was made by Ms. Hodges and seconded by Ms. Sinclair to uphold the citation and fine.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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Citation 00139 Jerrod Smith;  
Witness: Donna Glasper Inspector

A motion was made by Ms. Hodges and seconded by Ms. Sinclair to uphold the citation and fine.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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Citation 00263 Isidra Gonzalez; (Not present)  
Witness: Asrar Johnson

A motion was made by Ms. Sinclair and seconded by Ms. Hodges to uphold the citation and fine.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed



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A motion was made by Ms. Longest and seconded by Ms. Hodges to break for 10 minutes.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

Time: 10:49 am

A motion was made by Ms. Longest and seconded by Ms. Hodges to return to session.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

Time: 11:04 am



Citation 00267 Mudassir Ahmad Zaidi; (not present)

Witness: Asrar Johnson, Inspector

A motion was made by Ms. Hodges and seconded by Ms. Jackson to uphold the citation and fine.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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Citation 00273 Bella Nails & Spa (not present)

Citation 00274 Thien Y Phan (not present)

Citation 00275 Jaimie Nguyen (not present)

Witness: Asrar Johnson, Inspector

The above 3 citations were all tried at the same time as they are all related.

A motion was made by Ms Sinclair and seconded by Ms. Longest to uphold the 3 citations

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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Citation 00802 Do Hoang Dao;

Witness: Donna Glasper

A motion was made by Ms. Hodges and seconded by Ms. Nguyen Pham to uphold the citation.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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Citation 00827 All Good Barbershop (not present)

Citation 00828 Derek Joshua Lord (Loud)

Witness: Asrar Johnson Inspector

A motion was made by Ms. Hodges and seconded by Ms.Sinclair to uphold the citation

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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### 8. Legislative Committee report – Christie Luther

Ms. Luther was not present, Chair Callicoa said a few of the things needed are to add definition of salon suite, remove review hour requirement for hairbraiding, a \$15 fee increase for everything except initial school license would increase from \$400 to \$450 school renewal from \$125 to \$150 and notary from \$1 to \$7, and allowing cosmetology or barber experience to qualify for the three-hundred-hour (300-hour) instructor course (with 700 hours credit for experience). Chair Callicoa said they will have another meeting soon.

9. Discussion and possible action to seek legislation based on Legislative Committee recommendations, including, but not limited to, increasing fees levied under the Cosmetology and Barbering Act, clarifying the agency's ability to fine unlicensed establishments, adding a definition of salon suites to 59 O.S., § 199.1, and allowing any cosmetology or barber experience to qualify for the three-hundred-hour (300-hour) (with 700 hours credit for experience) instructor course

A motion was made by Ms. Longest and seconded by Ms Hodges to proceed with recommendations by Legislative Committee.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed.

10. Discussion and possible action to seek legislation based on Advisory Board on Massage Therapy recommendation, including, but not limited to, authority to license massage therapy establishments

A motion was made by Ms. Sinclair and seconded by Ms. Longest to proceed with legislative recommendations by the Advisory Board on Massage Therapy

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed.

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11. Discussion and possible action to adopt emergency rule language to revise OAC 175:20-5-7, Disqualifying criminal history and opportunity for initial determination

A motion was made by Ms. Hodges and seconded by Ms Wilkins to adopt emergency rule language to revise OAC 175:20-5-7, Disqualifying criminal history and opportunity for initial determination

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed.

12. Discussion and possible action to approve consolidated list of potentially disqualifying crimes for licensing and/or certification under the Cosmetology and Barbering Act and the Massage Therapy Practice Act

A motion was made by Ms. Longest and seconded by Ms. Wilkins to approve the consolidated list of potentially disqualifying crimes for licensing and/or certification under the Cosmetology and Barbering Act and the Massage Therapy Practice Act

Voting:

Hodges, abstained, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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13. Rules Committee report – Leah Longest

Ms. Longest reported that we've been meeting every two weeks, and have discussed a variety of topics, including language to clarify the rulemaking process, legal redid language to clarify rule-making process, disqualifying criminal history and opportunity for initial determination, updated language to complete with SB 1691 practices of cosmo and barber clarifies what can and can't be done by licensees, like microblading and lasering and must be done under supervision of physician, also cleaned up language in the massage practice act,

14. Discussion and possible action to authorize the agency to begin the 2023 permanent rulemaking process, in consultation with legal counsel, to include drafting rules that create a limited specialty license for eyelash application, and revising rules including, but not limited to, OAC 175:1-5-13, 175:10-1-3, 175:10-7-1, 175:10-9-54, 175:10-9-55, 175:20-5-7, 175:20-11-1, and 175:20-15-1

Ms. Maul explained that this is not to say yes or no to specific language that will happen later, this just says yes you can forward to publish your rulemaking intent, schedule public comment hearing, etc.

A motion was made by Ms. Hodges and seconded by Ms. Sinclair to authorize the agency to begin the 2023 permanent rulemaking process

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed.

## OKLAHOMA STATE BOARD OF COSMETOLOGY AND BARBERING

15. Discussion and possible action to approve or disapprove the establishment of regularly-scheduled OSBCB meetings in 2023, every other month on the second Monday of the month at 10:00 a.m.

January 9<sup>th</sup>

March 13<sup>th</sup>

May 8<sup>th</sup>

July 10<sup>th</sup>

September 11<sup>th</sup>

November 13<sup>th</sup>

A motion was made by Ms. Sinclair and seconded by Mr. Rogers to approve regularly scheduled meeting dates in 2023.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

Ms. Hodges made a motion seconded by Ms. Longest to take a 10 minute break

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

Time: 12.40 pm

\*\*\*\*\*BREAK\*\*\*\*\*

12:53 pm

Ms. Sinclair made a motion seconded by Ms. Longest to reenter regular session.

Voting:

Hodges, yes, Jackson, yes; Longest, yes; Nguyen Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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16. Presentation on state ethics rules – Maria Maule

Ms. Maule explained the Oklahoma ethics rules and statutes. The Ethics Commission is a wonderful resource, they will answer any questions you might have.

She went over misuse of office, misuse of authority, conflict of interest including recusal, meals and gifts, conferences and political activity. She mainly wanted to convey when you sense a red flag and you need to reach out to legal or someone at the Ethics Commission.

17. New business which could not have been reasonably foreseen prior to posting of the meeting agenda, per 25 O.S., § 311(A)(10)

No new business was heard.

18. Board adjournment

MACHELE CALLICOAT, CHAIR	_____
LEAH LONGEST, VICE CHAIR	_____
AUSTIN HODGES	_____
ERICKA JACKSON	_____
THAO NGUYEN PHAM	_____
JOEL ROGERS	_____
HEATHER SINCLAIR	_____
CARLA WILKINS	_____