



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy
BOARD MEETING AGENDA
November 13, 2023
10:00 a.m.
2401 N.W. 23rd, Suite 84 Testing Center
Oklahoma City, OK 73107
Machele Calliccoat, Chair – Presiding

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

Chair Calliccoat called the meeting to order. A quorum was established with roll call. The following Board Members were present.

Shelly Calliccoat, Board chair
Leah Longest, Vice Chair
Emily Gargone
Ericka Jackson
Christie Luther
Thao Nguyen Pham (was late, arrived at 10.12 am)
Krissy Miller
Joel Rogers
Heather Sinclair
Carla Wilkins

2. This regular meeting of the Oklahoma Cosmetology and Barbering Board has been convened in accordance with the Oklahoma Open Meeting Act.
Chair Calliccoat verified the agenda had been properly posted.

Board Legal Counsel

Maria Maule
Kylie Cooper

Board Staff

Malena Curtsinger, Executive Director
John Funderburk, Principal Assistant
Janelle Hastings Admin Assistant
Caroline Hagberg, Inspector/Examiner
Donna Glasper, Inspector/Examiner

2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107
(405) 521-2441 Fax (405) 521-2440

WWW.OKLAHOMA.GOV/COSMO





Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

GUESTS

Laura Eyster, Eric Strocen, Linda Wiist, Megan Patton, Shantelle Jennings, Jennifer Court, Ty Goldsmith, Elaine Klemme, Cheryl Clemons, terra Lehman, Kim Johnson, Scott Riggsbee, Gustavo Tafoya , Chayelynn Moore, Carla Dame, Dru Bakes, Robin Haley, Donna Sanchez, Blake Sanchez, Kate Woodward, Braden Sanchez, Bruce Sanchez, Bryan Sanchez, Karen Cunningham, Sarah Samples, Tony Blasier,

3. Welcome and swearing in of new Board member, Kyle Jarnigan.

New Member Kyle Jarnigan was officially sworn in.

4. Possible discussion, revision, and vote to approve Board meeting minutes from September 11, 2023.

A motion was made by Ms. Sinclair and seconded by Ms. Miller to approve Board meeting minutes from September 11, 2023

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

5. Discussion and possible action on individual proceeding, In the Matter of the Complaint against Daniel Paul Binkley, Massage Therapist license no. #194245, Case No. 2023-002

Further, the Board may vote to Enter Executive Session to engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act, pursuant to 25 O.S. § 307(B)(8). Should the Board enter Executive Session to deliberate, the following actions may be taken:

- Vote to enter Executive Session
- Exit Executive Session and vote to re-enter open session
- Possible action on matters discussed in Executive Session

Chair Callicoat introduced herself as Board Chair and presiding officer for this meeting. In accordance with OAC 175 20 13 1 and 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, lead the proceedings, rule on motions and answer Board questions on legal matters.

A motion was made by Ms. Longest and seconded by Ms. Miller to allow AG Maria Maule to do the above actions.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

Maria Maule called the hearing to order, stating the date November 13, 2023, time as 10:04 am. the hearing record is now open in the case of Daniel Paul Binkley, Massage Therapist license number #194245, Case No. 2023-002

For the record a quorum of the Board is present and this board has jurisdiction to hear this case. Ms. Maule asked if any voting member of the board aware of any reason which would render them unable to afford the respondent a fair and impartial hearing? Please answer yes or no when called.

Voting

Longest no; Gargone, no; Jackson, no; Jarnigan, no; Luther, no; Miller, no; Rogers, no; Sinclair, no; Wilkins, no.

The record shows that all members answered in the negative.

Motion passed

Ms. Maule asked the Boards prosecutor to identify themselves and all the state's witnesses. Kylie Cooper identified herself and Agent Tony Blasier, and witness D.S.

The respondent's attorney identified himself as Eric Strocen, respondent Daniel Paul Binkley, respondent's wife Zon Binkley.

Ms. Maule briefly explained the procedure followed by the Board when conducting hearings.

The strict rules of evidence which apply in courts do not apply in administrative hearings, the practice of the board is more informal. Council or parties may object to admission of evidence and AAG Maule will rule on those objections and motions by council. The board will deliberate following the hearing and will announce its decision.

Ms. Maule swore in all witnesses and asked if either party would like to present.

Mr. Strocen stated that his client, Mr. Binkley has been licensed as a massage therapist for many years and to date there have not been numerous complaints.
Can't hear this part.



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

AAG Cooper asked first witness Tony Blasier, works as an agent for the office of the Attorney General, is CLEET certified and serves papers as part of his job. He, Mr. Blasier served papers at the address of Mr. Binkley, who was not home at the time, but he left the papers with respondents wife, Zon Binkley.

Note: Board member Thao Pham Nguyen entered the meeting at 10.12 am

Witness D.S. was sworn in.

D.S. stated that she had an appointment for a 90- minute massage on September 19, 2023 at the establishment and had been going to this business since 2019, the check in process was normal, but the massage room had only a sheet instead of the usual sheet and blanket. She specified her left shoulder and neck as the problem area, but when her leg was massaged the defendant put his hand too close to the private area and she told him to stop, which he did. The massage continued. The witness went on to describe in graphic detail what happened to her before the massage ended after about 25 minutes. Witness then alerted members of the establishment and also the police. Witness testified that nothing like this has happened before during any massage during 2019-2023 and at no point did she ask for this.

Attorney for the defendant, Mr. Eric Strocen asked if she has ever testified before and she answered no. Mr. Strocen asked about the missing blanket and if she had brought that to attention of the staff and she answered no. She had gotten a massage once a month since 2019 and nothing like this had happened. Mr. Strocen repeatedly asked the witness if she had multiple opportunities to get up and leave, the witness answered yes but didn't because she was scared.

Mr. Strocen called his next witness, Mr. Binkley's wife Zon who stated that she had been married to her husband for 42 years, and that he had previously worked a business appraiser, a salesman and worked for Cox Communications. Once he lost his eyesight, she suggested that he get a massage license since he had done that for 30 years in Kansas. Mrs. Binkley stated that her husband had performed over 1200 massages, with many repeat female clients and no complaints. She testified that her husband was hard working and would never jeopardize his license.



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

Under cross examination by Ms. Cooper, Mrs. Binkley admitted she had never taken the Board exam although she knows that one is not supposed to massage private areas of the body, she does not work with her husband and she was not present on September 19, 2023 during the incident in question. She stated that her husband has never lied to her in their 42 years of marriage.

In closing statements AAG Cooper asked the board to revoke license for gross malpractice and violating board rules and ask defendant to pay \$467.75 for legal costs.

Mr. Strocen said his client had invoked his right not to self incriminate is not him admitting wrongdoing. He further stated that the witness did not get up and leave after the incident but instead asked that the defendant work on another part of her body.

Board member Sinclair asked if the defendant was still employed at this business, and he is not. He worked there from January 2023

A motion was made by Ms. Longest and seconded by Ms. Miller to enter Executive Session.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

****EXECUTIVE SESSION****

A motion was made by Ms. Longest and seconded by Ms. Gargone to exit Executive Session and return to Open Session

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

Ms. Miller: Madame chair, in the matter of OCBCB case 2023-002 regarding Daniel Binkley, license number 194245, made a motion the following facts in the complaint are true, licensee massaging the genitalia of a client, in reference to the same case I make a motion that the clear and convincing evidence establishes the respondent is guilty of the following violation OAC 175 20 9-1 H

Motion was seconded by Ms. Jackson.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

Ms. Sinclair: Madame Chair in reference to the same case upon the findings of guilt of the respondent, I make a motion that the respondents license be revoked, I also move the pursuant to OAC 175 20 13 1 C Respondent be made to pay the cost of the disciplinary proceedings in the amount of \$467.75. Motion was seconded by Ms. Miller,

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

Mr. Rogers: Madame Chair in reference to the same case I make a motion that pursuant to OAC 175 20 13 1 E public health and safety welfare requires that the respondent's license be similarly suspended immediately, pending the finalization and approval of the findings of the facts, conclusion of the law and final agency order by the office of the attorney general pursuant to the executive order 2023- 13

Ms. Longest seconded the motion.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

Ms. Callicoat: Board AAG Maria Maule will prepare findings of fact, conclusion of law and the final agency order in accordance with the Board's determinations which will be signed by me (Ms. Callicoat) and will be sent to the respondent. This concludes the hearing.

6. Discussion and possible action to approve or disapprove budget report (September 1, 2023 to October 31, 2023) – Megan Patton, OMES, Agency Business Services

A motion was made by Ms. Longest and seconded by Ms. Sinclair to approve budget report from September 1, 2023 to October 31, 2023

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

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

Ms. Eyster stated that the Massage Therapy Advisory Board met on October 19, 2023 and discussed legislation.

We put forth two bills, which are on the agenda later today. They are essentially exactly the same, one has establishment authority, there was an FSMTB conference, Federation of States massage therapy boards, attended by Joel Rogers, his report is later on the agenda. Also something that has come out recently is a new rule that limits the number of hours in gainful employment program, to no greater than the required hours by the state, previously you could have 160% but this presents some challenges for the massage therapy schools in Oklahoma. 500 hours is what we require for education which means that as of July 1, 2024 massage therapy schools will need to reduce their hours to 500 hours, this presents 2 issues, one is adequate education to pass the MBLX exam, the other issue is that 500 hours does not qualify for Federal financial aid.

Resume part 2 18:37



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

Ms. Longest made a motion to take a break, seconded by Ms. Sinclair .

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes;
Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

11.31 am

Ms. Miller made a motion seconded by Mr. Jarnigan, to return to session.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes;
Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

11.54 am



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

8. Executive Director Report – Malena Curtsinger

- Thentia Update
- Staffing and agency update
- IT Update
- Testing
- Legislative Study

Thentia update: we have yet another projected go live date of December 30, we still have issues with Logins, the SOW (statement of work) has expired--I have met with another software company that does serve four other state cosmetology boards so in case THENTIA does not work out we do have an alternative.

Testing: we still have a few issues receiving test scores from PROV.

Interim Study: IS-2023-70 Requestor Sen Thompson and Rep Tammy West took place on October 30 at 10:30 am, the posted subject was to look at the purpose and function of the board, Ms. Curtsinger was not asked to provide any information nor were any current staff members invited to speak or offer comments, speakers included two former OSBCB employees who are also RISE program board members and two RISE program graduates. Overall, Ms. Curtsinger felt the study was unfair and did not address the posted objective.

Ms. Curtsinger announced the hiring of a third licensing coordinator, Sean Frost, who started on November 1, the license department is now fully staffed and processing times are improved resulting in fewer calls and inquiries. We also hired another inspector/examiner, Cheryl Clemons, who started on September 18. We still have two inspector positions open, as well as a full time dually licensed examiner position.



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

9. Discussion on effects of gainful employment on Private Accredited Schools specifically the holding of hours for students/graduates that owe the school money – Laura Grisso-Eyster with Central Oklahoma College.

Ms. Eyster wanted the Board to be aware of new changes instituted by the current President's administration and take those into consideration when making rules, suggesting that some language be added to affidavit of completion, for example, school owner will notify the board of unpaid balance unless holding hour prohibited by another oversight agency or something similar so schools will not have to choose what agency to follow.

Ms. Nguyen Pham left room from 12.58 and returned at 1.02

10. Rules Committee Report – Krissy Miller

Ms. Miller said the rules committee met and talked about the eyelash curriculum and agreed 200 hours – we expect those hours to get knocked down and the hybrid online hours increase that amount from 10% to 25%, looked into some other states aloe up to 50%

11. 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 establish course entrance and curriculum requirements for eyelash extension specialists, and revising rules including, but not limited to, OAC 175:10-3-47, 175:10-3-79, 175:10-9-31.

A motion was made by Ms. Miller and seconded by Ms. Longest to approve the changes to the eyelash curriculum as stated.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

Carla Jackson left the room at 1.17 and returned at 1.19 pm

A motion was made by Ms. Miller and seconded by Ms. Longest to increase hybrid learning to 25%

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

Member Joel Rogers left the meeting at 1.30 pm.

A motion was made by Ms. miller and seconded by Ms. Longest to add public catastrophe

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Sinclair, yes; Wilkins, yes.

Motion passed



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

12. Discussion and possible action to seek legislation, including, but not limited to, increasing fees levied under the Cosmetology and Barbering Act.

A motion was made by Ms. Longest and seconded by Ms. Miller to seek legislation including but not limited to, increasing fees levied under the Cosmetology and Barbering Act.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Sinclair, yes; Wilkins, yes.

Motion passed

13. Discussion and possible action to seek legislation based on Advisory Board on Massage Therapy recommendations, including, but not limited to, **adding establishment licensing**, alternation of Board member appointment expiration dates, temporary work permit, under the Massage Therapy Act.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Sinclair, yes; Wilkins, yes.

Motion passed

#13.1

a motion was made by Ms. Longest and seconded by Ms. Sinclair to approve legislation based on Advisory Board on Massage Therapy recommendations, including, but not limited to, alternation of Board member appointment expiration dates, temporary work permit, under the Massage Therapy Act.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Sinclair, yes; Wilkins, yes.

Motion passed



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

14. Discussion and possible action regarding staff job description and salary for Principal Assistant position, including possible raises.

Further, the Board may vote to enter Executive Session to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, pursuant to 25 O.S., § 307(B)(1). Should the Board enter Executive Session to discuss staff salary for Principal Assistant position, the following actions may be taken:

- Vote to enter Executive Session
- Exit Executive Session and vote to re-enter open session
- Possible action on matters discussed in Executive Session

A motion was made by ms. Longest and seconded by ms. Gargone to enter into Executive Session to discuss item 14.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Sinclair, yes; Wilkins, yes.

Motion passed

Time: 1:38 pm

****EXECUTIVE SESSION****

Time: 2:17 pm

A motion was made by Ms. Longest and seconded by Ms. Gargone to exit Executive Session and re enter open session

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Sinclair, yes; Wilkins, yes.

Motion passed



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

A motion was made by Ms. Longest and seconded by Ms. Gargone to approve \$2500 cost of living pay raise for Principal Assistant effective immediately and retro active to 7.1.2023.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Sinclair, yes; Wilkins, yes.

Motion passed

15. Discussion and possible action to approve or disapprove the establishment of regularly-scheduled OSBCB meetings in 2024, every other month on the second Monday of the month at 10:00 a.m.

January 8th

March 11th

May 13th

July 8th

September 9th

November 4, 2024 (Instead of November 11th which is holiday (Veterans Day))

A motion was made by Ms. Longest and seconded by Ms. Gargone to approve the establishment of regularly scheduled OSBCB meetings in 2024

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Sinclair, yes; Wilkins, yes.

Motion passed



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

16. Discussion and possible action on renewal of OMES App-C SOW.

A motion was made by Ms. Longest and seconded by Ms. Miller to approve renewal of OMES App-C SOW.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Sinclair, yes; Wilkins, yes.

Motion passed

17. Discussion and possible action on entering an SOW with Digital iO to update system for electronic inspection program.

A motion was made by Ms. Longest and seconded by Ms. Miller to approve entering an SOW with Digital iO to update system for electronic inspection program.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Sinclair, yes; Wilkins, yes.

Motion passed

18. Discussion and possible action on renewal of Imagenet annual contract for Laserfiche.

A motion was made by Ms. Longest and seconded by Ms. Miller to approve renewal of Imagenet annual contract for Laserfiche.

Voting

Longest yes; Gargone, yes; Jackson, yes; Jarnigan, yes; Luther, yes; Miller, yes; Nguyen-Pham, yes; Sinclair, yes; Wilkins, yes.

Motion passed

2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107
(405) 521-2441 Fax (405) 521-2440

WWW.OKLAHOMA.GOV/COSMO





Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

19. FSMTB, Federation of State Massage Therapy Boards, Conference overview – Joel Rogers

Mr. Rogers had departed the meeting so Ms. Callicot read his report of the FSMTB meeting he attended in LaJolla Ca September 28-30, 2023.

Thao Nguyen Pham left room at 2.32 and returned at 2.35 pm

20. NIC, National-Interstate Council of State Boards of Cosmetology, Conference overview – Leah Longest

Ms. Longest announced that Board Member Heather Sinclair was elected Region III director for NIC.

Also Institute of Justice was also present at the NIC meeting.

21. NABBA, National Association of Barber Boards of America, Conference overview - Heather Sinclair

Ms. Sinclair provided a breakdown of the conference, in Harrisburg PA, they are a non profit so they do not have income from testing as NIC does, they set up labs for educational purposes, lot of same topics discussed, such as legislation,

NIC next conference in Salt Lake City or Phoenix, next NABBA mid year conference is in Dallas in February 2024.

Annual NABBA conference in Oklahoma city next September with former board member Bruce Waight who is the current president of NABBA



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy

22. Discussion and possible action in regard to Senate Interim Study IS-2023-70

This item was discussed but no action taken.

Ms. Longest suggested that a culture survey of current employees could be done to investigate accusations made in a public forum, the Board is separate from the agency.

23. 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.

24. Board adjournment

Chair Callicoat adjourned the meeting.