

## STATE OF OKLAHOMA



### BOARD OF COSMETOLOGY AND BARBERING

#### MINUTES OF THE MEETING June 9, 2025

---

#### 1. Call to Order

Chair Heather Sinclair called the meeting of the State Board of Cosmetology and Barbering to order at 10:02 a.m. on Monday, June 9, 2025. The meeting was held at the State Cosmetology Board Office in Suite 74.

---

#### BOARD MEMBERS PRESENT

- Heather Sinclair
- Krissy Miller
- Kyle Jarnagin
- Annie Jo Gilbert
- Carla Wilkins
- Christie Luther
- Carla Dame

#### BOARD MEMBERS NOT PRESENT

- Machele Callicoa
- Ericka Jackson
- Joel Rogers

#### AGENCY MEMBERS PRESENT

- MiMi Casebolt, Interim Executive Director
- Matt Burton, Principal Assistant

#### LEGAL COUNSEL PRESENT

- Kylie Cooper, Assistant Attorney General
- Maria Maule, Chief Assistant Attorney General

## 2. Quorum

A quorum was confirmed, and the meeting proceeded according to the agenda. This special meeting of the Oklahoma Cosmetology and Barbering Board has been convened in accordance with the Oklahoma Open Meeting Act.

---

## 3. Approval of Previous Board Minutes, May 19, 2025

**Overview:** The minutes were reviewed, and no changes or corrections were proposed.

- **Motion:** To approve May 19, 2025, meeting minutes.
    - **Moved by:** Wilkins
    - **Seconded by:** Jarnagin
    - **Vote:**
      - Miller: Yes
      - Jarnagin: Yes
      - Luther: Yes
      - Gilbert: Yes
      - Dame: Yes
      - Wilkins: Yes
  - **Outcome:** Motion passed.
- 

## 4. Case No. 2025-002 – Complaint Against Donovan Carter

**Overview:** The Board conducted individual proceedings concerning a complaint against Donovan Carter, Massage Therapist license number 176240, case number 2025-002. The hearing was opened by Chair Sinclair at 10:06 AM on June 9, 2025, following a motion to authorize CAAG Maule to open the record and address the terms of an agreement for voluntary surrender of license. Prior to proceeding, each Board member formally stated on the record that they could not provide a fair and impartial hearing in this matter. Board prosecutor Kylie Cooper and respondent's counsel Adam Smith informed the Board that the respondent had elected to voluntarily surrender his license in lieu of a hearing. After review of the agreement and discussion, the Board voted unanimously to accept the voluntary surrender of Donovan Carter's license.

- **1<sup>st</sup> Motion:** To authorize CAAG Maule to open the record and lead the discussion on the terms of agreement to surrender and answer Board questions on legal matters.
  - **Moved by:** Jarnagin
  - **Seconded by:** Luther
  - **Vote:**
    - Miller: Yes
    - Jarnagin: Yes
    - Luther: Yes
    - Gilbert: Yes
    - Dame: Yes
    - Wilkins: Yes
- **Outcome:** Motion passed; a roll call was conducted to confirm that no Board member had a conflict of interest, with each member responding “no” indicating no conflict.
  - **Determination Roll Call:**
    - Sinclair: No
    - Miller: No
    - Jarnagin: No
    - Luther: No
    - Gilbert: No
    - Dame: No
    - Wilkins: No
- **Outcome of Determination Roll Call:** All Board members answered in the negative.
- **2<sup>nd</sup> Motion:** To accept voluntary surrender of license.
  - **Moved by:** Jarnagin
  - **Seconded by:** Dame
  - **Vote:**
    - Miller: Yes
    - Jarnagin: Yes
    - Luther: Yes
    - Gilbert: Yes
    - Dame: Yes
    - Wilkins: Yes
- **Outcome:** Motion passed.

---

## 5. Permanent Rule Changes Not Approved by the Legislature in 2025 Session

**Overview:** The Board discussed the status of its recent permanent rule changes, which were

not approved by the legislature. The rules in question, including adjustments to required hours for barber and cosmetology courses, requirements for eyelash extension specialist certificates and instructors, and several minor regulatory changes, were found to be inconsistent with updated statutory language—particularly changes related to the new chemical barber program taking effect July 1. The Board reviewed options for addressing the incongruencies and was advised that statutes always take precedence over rules. Proceeding with conflicting rules could cause public confusion, and emergency rulemaking—typically a three-month process requiring the governor’s approval—was recommended to quickly align rules with current law. The recent changes to the Administrative Procedures Act (APA), now requiring legislative approval of permanent rules with no override by the governor, were also discussed, along with new oversight roles and requirements for rule impact statements. After weighing the risks of delaying corrective action, the Board voted to proceed with emergency rulemaking for the first eight rules that are out of sync with statute.

- **Motion:** To engage in emergency rulemaking for 175:10-3-34, 175:10-3-37, 175:10-3-42, 175:10-3-44, 175:10-3-45, 175:10-3-46, 175:10-3-47, and 175:10-3-48.
    - **Moved by:** Luther
    - **Seconded by:** Dame
    - **Vote:**
      - Miller: Yes
      - Jarnagin: Yes
      - Luther: Yes
      - Gilbert: Yes
      - Dame: Yes
      - Wilkins: Yes
  - **Outcome:** Motion passed.
- 

## 6. SB676 and Agency Sunset Extension

**Overview:** The Board reviewed the agency’s current status under SB676, noting that its sunset extension now runs through July 1, 2026, placing the agency in a one-year wind-down period starting July 1. The Board must determine whether to pursue legislation to further extend the sunset date or allow the agency to wind down. Potential legislative options include extending the sunset, restructuring the Board, or transferring its functions to another agency. The wind-down process would require considerable logistical effort, such as terminating leases and contracts, returning state property, and implementing severance plans for employees, which include benefits and legal protections. The Board discussed the importance of engaging with legislators beginning in July to

craft a bill that could gain approval, while also preparing for potential wind-down scenarios. Concerns were raised regarding a lack of transparency from Service Oklahoma about its intentions for the Board's future. The discussion emphasized maintaining strong legislative relationships and open communication while being mindful of lobbying regulations. Additionally, the Board acknowledged the need to continue addressing operational backlogs and prepare for changes under Oklahoma's Sunset Law, which governs the agency's continuation or closure.

- **Motion:** No motion was made.
  - **Outcome:** No action was taken after discussion.
- 

## 7. NIC Testing Comprehensive Overview

**Overview:** Chair Sinclair opted to address the NIC Testing discussion as item #7, originally listed as item #8. The Board reviewed NIC's intent to discontinue its current contract for national examinations and explored various alternatives. Proposed options included transitioning to computer-based testing using iPads, contracting with another provider such as Prov, or allowing Prov to operate the testing center—though subleasing would require approval. Developing an in-house written exam was deemed impractical due to limited staffing and reciprocity concerns, and PSI was considered a less favorable option due to past complaints. A decision must be made by July 1, 2025, with a special meeting scheduled for June 23 to finalize the path forward. NIC's recent correspondence referenced a non-disclosure agreement (NDA) that the agency had not previously received; upon receipt, the agency promptly returned the signed NDAs the following day. During the discussion, Member Luther inquired about NIC's mention of a potential breach, to which Interim Executive Director Casebolt confirmed that no breach had ever occurred. The agency is scheduled to discontinue written exams with NIC as of July 2025.

- **iPad-based Testing:**  
Electronic-based testing was discussed extensively as a way to improve security and provide faster results, especially for individuals requiring accommodations. Prov offers both on-site and remote testing options for approximately \$78 per person, in addition to the agency's \$50 licensing test fee. While this offers more flexibility, it introduces added costs. Implementing computer-based testing would require an initial purchase of around 24 iPads to accommodate the typical room capacity of 30 candidates. Transitioning could impact test scheduling beyond June 30 if no agreement is reached with NIC. Budget limitations, such as only a \$15 fee increase this year, remain a barrier. A letter from AAG Cooper will be drafted to negotiate a potential transition to computer-based testing with NIC, ideally without increasing costs. Finally, IEP learning plans, DOC program logistics, NDA signatures, and contract date adjustments were also discussed, with related items to be included on the agenda for the June 23 meeting.

- **Motion:** No motion was made.
    - **Moved by:** (none)
    - **Seconded by:** (none)
    - **Vote:**
      - Miller:
      - Jarnagin:
      - Luther:
      - Gilbert:
      - Dame:
      - Wilkins:
  - **Outcome:** The Board opted to postpone discussion on this item by consensus until the next scheduled meeting on June 23, 2025. No formal motion or vote was taken.
- 

## 8. Prov 2025-2026 Contract

**Overview:** Chair Sinclair opted to address Prov 2025-2026 Contract as item #8; originally item #7. The Board discussed the proposed 2025-2026 contract with Prov for written testing services, which would authorize Prov to provide approved testing facilities in Oklahoma. Under this contract, Prov would also administer NIC exams for qualified applicants, with NIC's setup already in place. The conversation included considerations for non-chemical barber and non-chemical testing, which would also be covered under this contract. However, finalizing the agreement is contingent on further discussions with NIC to clarify their role moving forward. As the contract must be in place by July 1, 2025, the Board voted to table the item until the June 23 meeting.

- **Motion:** To table this item until the next scheduled Board meeting on June 23, 2025.
  - **Moved by:** Gilbert
  - **Seconded by:** Jarnagin
  - **Vote:**
    - Miller:
    - Jarnagin:
    - Luther:
    - Gilbert:
    - Dame:
    - Wilkins:
- **Outcome:** The Board agreed to postpone discussion on this item by consensus until the next scheduled meeting on June 23, 2025. No formal vote was taken.

---

## 9. Attorney General Contract SFY 2026

**Overview:** The Board discussed renewing the contract with the Oklahoma Office of the Attorney General for state fiscal year 2026. Given the anticipated need for legal counsel related to upcoming emergency rulemaking and contract negotiations, the Board agreed that continued legal support in its current contractual agreement would be essential. A motion to renew the contract without changes was made.

- **Motion:** To renew the contract as is.
  - **Moved by:** Jarnagin
  - **Seconded by:** Dame
  - **Vote:**
    - Miller: No
    - Jarnagin: Yes
    - Luther: Yes
    - Gilbert: Yes
    - Dame: Yes
    - Wilkins: Yes
- **Outcome:** Motion passed.

---

## ADJOURNMENT

- **Time:** 11:09 a.m.

**Outcome:** Meeting adjourned.

---

*End of Board Meeting Minutes for June 9, 2025.*