

The Oklahoma State Board of Cosmetology met at 10:00 am on Monday, January 13, 2014 at 2401 NW 23<sup>rd</sup> Street, Suite 84 in the Testing Center, Oklahoma City, OK 73107. The following persons were present:

**BOARD MEMBERS**

Ken Young, Chair  
Max Thomas, Vice Chair  
LaFaye Austin  
Anthony Baldini  
Rick Bennett,  
Diana Fisher  
Pam Martin  
Gretchen Payne  
Janet Dale Webb

**LEGAL ADVISORS**

Kim Heaton, Assistant Attorney General  
Karl Kramer, Assistant Attorney General

**BOARD STAFF**

Sherry G. Lewelling, Executive Director  
Jennifer McRee, Principal Assistant  
Vicki Middleton, Inspector  
Elaine Klemme, Inspector  
Delores Merriman, Inspector

**VISITORS**

Paula Matthews  
Darren Gibson  
Mitchell Dobson  
Steve Scharden  
Linda Wiist  
Carmen Pando  
DeBrena Hilton

**CALL TO ORDER**

Chair Young called the meeting to order. He confirmed with Ms. McRee that the meeting agenda had been properly posted and agendized.

**ROLL CALL**

Quorum was established with roll call. The following persons answered roll call: Young, Thomas, Austin, Baldini, Fisher, Martin, Payne and Webb. (Bennett arrived later in the meeting, and Austin left later in the meeting. Mr. Smith and Mr. Helton were not present for the meeting.)

**PUBLIC COMMENT – OPPORTUNITY FOR THE BOARD TO RECEIVE PUBLIC COMMENT – EACH SPEAKER IS LIMITED TO THREE MINUTES. COMMENTS MUST BE RELATED TO ITEMS LISTED ON THE AGENDA**

No public comment is heard.

**COMMENTS FROM INSPECTORS**

No comments were heard.

**DISCUSSION AND BOARD ACTION TO APPROVE OR DISAPPROVE FINANCIAL REPORT (JULY 1, 2013 to December 31, 2013) – LAURA SWINGLE, OMES – AGENCY BUSINESS SERVICES**

Ms. Swingle presented the financial report to the Board.

A motion was made by Mr. Thomas and seconded by Ms. Payne to approve the financial report as presented.

VOTING: Thomas, yes; Austin, yes; Baldini, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes.  
Motion passed.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DISAPPROVE BOARD MEETING MINUTES OF NOVEMBER 18, 2013**

A motion was made by Ms. Payne and seconded by Ms. Baldini to approve the Board meeting minutes of November 18, 2013.

VOTING: Thomas, yes; Austin, yes; Baldini, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes.  
Motion passed.

**DIRECTOR'S REPORT – SHERRY G. LEWELLING, EXECUTIVE DIRECTOR**

Ms. Lewelling provided a written report to the Board. She told of the recent resignation of Ms. Oden and plans to recruit a new Inspector. She told of the Public Comment hearing scheduled for January 20<sup>th</sup> and the Special Board meeting on January 27<sup>th</sup>, 2014. She explained the progress made with the Cosmetology/Barber Board merge. She explained that she has been diligently working with the Department of Education to meet their standards and so far has not been successful but will continue to make efforts to work with them to be in compliance. She said she requests that the Chair appoint an

Examination Committee to work on the Barber exam, Instructor exam, Hairbraiding exam and the Manicurist exam.

Mr. Bennett arrived at the meeting.

**DISCUSSION AND BOARD ACTION TO APPROVE OR DISAPPROVE DELEGATES TO ATTEND NIC REGIONAL MEETING IN LAS VEGAS, NEVADA – ADMINISTRATOR’S MEETING – MARCH 14, 2014 and DELEGATES MEETING 3-15, 2014 and HALF DAY 3-16, 2014.**

A motion was made by Mr. Baldini and seconded by Mr. Thomas to approval travel for delegates and Ms. Lewelling to attend the NIC Regional Meeting in Las Vegas, Nevada.

VOTING: Thomas, yes; Austin, yes; Baldini, yes; Bennett, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes.

Motion passed.

**DISCUSSION AND BOARD ACTION TO APPROVE OR DISAPPROVE 2014 SALARY ADMINISTRATION PLAN AND BUDGET COMMITTEE REPORT – MAX THOMAS, CHAIR**

Mr. Thomas presented the 2014 Salary Administrative Plan. He explained the agency current financial situation that would enable the agency to provide increases to employees based on current evaluations and performance appraisals (PMP’s). Mr. Thomas stated that within the plan is a note that in July 2014, the Board would consider providing employee that exceed standards and meet standards a one time lump sum payment of 3% or 5% providing funds are available and/or if legislation passes.

Ms. Austin stated that the plan was wonderful, wise , prudent and fair to all employees.

Ms. Austin made a motion, seconded by Ms. Baldini to approve the 2014 Salary Administration Plan as presented.

VOTING: Thomas, yes; Austin, yes; Baldini, yes; Bennett, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes.

Motion passed.

**PERFORMANCE EVALUATION – DISCUSSION AND BOARD ACTION TO APPROVE OR DISAPPROVE SLARY INCREASE OF EXECUTIVE DIRECTOR, SHERRY G. LEWELLING**

**PROPOSED EXECUTIVE SESSION FOR DISCUSSION OF THE ABOVE PURSUANT TO 25 O.S> SECTION 307 (B)(1)**

A motion was made by Ms. Fisher to enter into Executive Session to discussion the above agenda item and seconded by Ms. Webb.

VOTING: Thomas, yes; Austin, yes; Baldini, yes; Bennett, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes.

Motion passed.

(The Board convened in Executive Session)

A motion was made by Ms. Webb and seconded by Ms. Fisher to adjourn Executive Session and return to regular session.

VOTING: Thomas, yes; Austin, yes; Baldini, yes; Bennett, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes.

A motion was made by Mr. Thomas and second by Ms. Payne to increase the salary of Executive Director, Sherry G. Lewelling to the midpoint to \$72,885 annually effective January 2014.

VOTING: Thomas, yes; Austin, yes; Baldini, yes; Bennett, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes.

Chair Young announced a five minute break.

Ms. Austin left the meeting.

**HEARING: CASE NO. OSBCB-2013-01-CITATION #B-2149, HEATHER LACKEY, ENGAGING IN BARBERING AS AN INSTRUCTOR, BARBER OR APPRENTICE WITHOUT A LICENSE IN THE APPROPRIATE CATEGORY**

- a. Board to review documents introduced into evidence, and hear testimony and/or oral arguments pertaining to petitioner's request as deemed necessary by the Board.
- b. Proposed executive session, if deemed necessary by legal counsel, to discuss and deliberate Case No. OSBCB,-2013-01 with legal counsel pursuant to 25 O S § (B)(8) (deliberation under Article II of the Administrative Procedures Act)
  - i. Vote to enter proposed executive session
  - ii. Discuss and deliberate Case No OSBCB 2013-01 pursuant to 25 O S § 307 (B)(8)
  - iii. Vote to return to open session
  - iv. Board to take appropriate action as deemed necessary

Ms. Heaton, Assistant Attorney General presented Case No. OSBCB-2013-01-Citation #B-2149, Heather Lackey, to the Board. Ms. Lackey was not present. Mr. Karl Kramer, Assistant Attorney General served as Advisor to the Board. Ms. Heaton entered a default judgment against The Respondent.

A motion was made by Ms. Fisher and seconded by Mr. Thomas that based on the evidence at the hearing in Case No. OSBCB-2013-01-Citation #B-2149, Heather Lackey, this Board finds by clear and convincing evidence the following facts: Engaging in barbering without a license in the appropriate category. The Board further makes the following conclusions of law: That the Respondent violated Rule 310:210-5-1 by engaging in Barbering without a license due to expired status of the license. It is therefore the order of this Board that the Respondent pay an administrative fine of \$250 with full

payment due within 30 days of filing of the written order in this case. Assistant Attorney General Karl Kramer is directed to prepare a written final order in line with this ruling of the Board today. The Chairperson of the Board is authorized to sign the written final order to be filed with the Board certified and regular mail delivery to the Respondent.

VOTING: Thomas, yes; Baldini, yes; Bennett, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes.  
Motion passed.

**HEARING: CASE NO. OSBCB-2013-02-CITATION #B-2147, SHERYL R. CLARK, ENGAGING IN BARBERING AS AN INSTRUCTOR, BARBER OR APPRENTICE WITHOUT A LICENSE IN THE APPROPRIATE CATEGORY**

- a. Board to review documents introduced into evidence, and hear testimony and/or oral arguments pertaining to petitioner's request as deemed necessary by the Board.
- b. Proposed executive session, if deemed necessary by legal counsel, to discuss and deliberate Case No. OSBCB,-2013-02 with legal counsel pursuant to 25 O S § (B)(8) (deliberation under Article II of the Administrative Procedures Act)
  - v. Vote to enter proposed executive session
  - vi. Discuss and deliberate Case No OSBCB 2013-02 pursuant to 25 O S § 307 (B)(8)
  - vii. Vote to return to open session
  - viii. Board to take appropriate action as deemed necessary

Ms. Heaton, Assistant Attorney General presented Case No. OSBCB-2013-02-Citation #B-2147, Sheryl R. Clark, to the Board. Ms. Lackey was not present. Mr. Karl Kramer, Assistant Attorney General served as Advisor to the Board. Ms. Heaton entered a default judgment against The Respondent.

A motion was made by Mr. Thomas and seconded by Ms. Webb that based on the evidence at the hearing in Case No. OSBCB-2013-02-Citation #B-2147, Sheryl R. Clark, this Board finds by clear and convincing evidence the following facts: Engaging in barbering without a license n the appropriate category. The Board further makes the following conclusions of law: That the Respondent violated Rule 310:210-5-1 by engaging in Barbering without a license due to expired status of the license. It is therefore the order of this Board that the Respondent pay an administrative fine of \$250 with full payment due within 30 days of filing of the written order in this case. Assistant Attorney General Karl Kramer is directed to prepare a written final order in line with this ruling of the Board today. The Chairperson of the Board is authorized to sign the written final order to be filed with the Board certified and regular mail delivery to the Respondent.

VOTING: Thomas, yes; Baldini, yes; Bennett, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes.  
Motion passed.

**HEARING: CASE NO. OSBCB-2013-03-CITATION #B-2148, THELMA PIRECE, ENGAGING IN BARBERING AS AN INSTRUCTOR, BARBER OR APPRENTICE WITHOUT A LICENSE IN THE APPROPRIATE CATEGORY**

- c. Board to review documents introduced into evidence, and hear testimony and/or oral arguments pertaining to petitioner's request as deemed necessary by the Board.
- d. Proposed executive session, if deemed necessary by legal counsel, to discuss and deliberate Case No. OSBCB,-2013-03 with legal counsel pursuant to 25 O S § (B)(8) (deliberation under Article II of the Administrative Procedures Act)
  - ix. Vote to enter proposed executive session
  - x. Discuss and deliberate Case No OSBCB 2013-03 pursuant to 25 O S § 307 (B)(8)
  - xi. Vote to return to open session
  - xii. Board to take appropriate action as deemed necessary

Ms. Heaton, Assistant Attorney General presented Case No. OSBCB-2013-03-Citation #B-2148, Thelma Pierce, to the Board. Ms. Pierce was not present. Mr. Karl Kramer, Assistant Attorney General served as Advisor to the Board. Ms. Heaton entered a default judgment against The Respondent.

A motion was made by Mr. Thomas and seconded by Ms. Webb that based on the evidence at the hearing in Case No. OSBCB-2013-03-Citation #B-2148, Thelma Pierce, this Board finds by clear and convincing evidence the following facts: Engaging in barbering without a license in the appropriate category. The Board further makes the following conclusions of law: That the Respondent violated Rule 310:210-5-1 by engaging in Barbering without a license due to expired status of the license. It is therefore the order of this Board that the Respondent pay an administrative fine of \$250 with full payment due within 30 days of filing of the written order in this case. Assistant Attorney General Karl Kramer is directed to prepare a written final order in line with this ruling of the Board today. The Chairperson of the Board is authorized to sign the written final order to be filed with the Board certified and regular mail delivery to the Respondent.

VOTING: Thomas, yes; Baldini, yes; Bennett, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes.  
Motion passed.

**HEARING: CASE NO. OSBCB-2013-04-CITATION #B-0314, MITCHELL DOBSON, BARBERING WITHOUT A VALID LICENSE**

- a. Board to review documents introduced into evidence, and hear testimony and/or oral arguments pertaining to petitioner's request as deemed necessary by the Board.
- b. Proposed executive session, if deemed necessary by legal counsel, to discuss and deliberate Case No. OSBCB,-2013-04 with legal counsel pursuant to 25 O S § (B)(8) (deliberation under Article II of the Administrative Procedures Act)

- v. Vote to enter proposed executive session
- vi. Discuss and deliberate Case No OSBCB 2013-04 pursuant to 25 O S § 307 (B)(8)
- vii. Vote to return to open session
- viii. Board to take appropriate action as deemed necessary

Ms. Heaton, Assistant Attorney General presented Case No. OSBCB-2013-04-Citation #B-0314, Mitchell Dobson, to the Board. Mr. Dobson was present. Mr. Karl Kramer, Assistant Attorney General served as Advisor to the Board. Mr. Dobson stated that he had a tax hold on his license and had been trying to work with the OK Tax Commission.

A motion was made by Ms. Webb and seconded by Mr. Baldini to enter into Execution Session to deliberate in Case No. OSBCS-2013-04-Citation #B-0314.

VOTING: Thomas, yes; Baldini, yes; Bennett, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes.  
Motion passed.

(The Board deliberated in Executive Session)

A motion was made by Ms. Payne and seconded by Ms. Martin to adjourn Executive Session and return to regular session

VOTING: Thomas, yes; Baldini, yes; Bennett, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes.  
Motion passed.

A motion was made by Ms. Webb and seconded by Ms. Baldini that based on the evidence at the hearing in Case No. OSBCB-2013-04-Citation #B-0314, Mitchell Dobson, this Board finds by clear and convincing evidence the following facts: Engaging in barbering without a license in the appropriate category. The Board further makes the following conclusions of law: That the Respondent violated Rule 310:210-5-1 by engaging in Barbering without a license due to expired status of the license and a tax hold. It is therefore the order of this Board that the Respondent pay an administrative fine of \$250 with payment of the fine waived if Respondent provides documentation satisfactory to the Board that the Respondent is currently in a repayment plan with the Oklahoma Tax Commission and said documentation

must be received within sixty (60) calendar days of the date that this matter was heard by the Board which is January 13, 2014.

VOTING: Thomas, yes; Baldini, yes; Bennett, yes; Fisher, yes; Martin, yes; Payne, yes; and Web, yes. Motion passed.

**NEW BUSINESS WHICH COULD NOT HAVE BEEN REASONBLY FORESEEN PRIOR TO POSTING OF MEETING AGENDA 25 O.S. § (A) (9)**

No new business was heard.

**BOARD ADJOURNMENT**

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Ken Young, Board Chair

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Max Thomas, Vice Chair

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LaFaye Austin

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Anthony Baldini

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Rick Bennett

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Diana Fisher

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Pam Martin

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Gretchen Payne

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Janet Dale Webb