



OKLAHOMA STATE BOARD OF COSMETOLOGY AND BARBERING

BOARD MEETING AGENDA
May 9, 2022
10:22 a.m.
2401 N.W. 23rd Street, Suite 84
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 members were present.

Machele Calliccoat, Chair
Christy Mather Vice Chair
Austin Hodges
Leah Longest
Christie Luther
Thao Nguyen Pham
Erin Pierce
Heather Sinclair
Kathy Whitson

NOTE: Peggy Avery and Greg Mitchell were not present on this day.

BOARD LEGAL COUNSEL

Sandra LaVenue
Thomas Schneider
Maria Maule

BOARD STAFF

John Funderburk, Interim Executive Director
Janelle Hastings, Administrative Assistant
Lori Cutchin, Massage Therapy Program Coordinator
Latonca Dollarson, Examiner
Amanda Otero, Inspection Program Coordinator
Asrar Johnson, Inspector/Examiner
Caroline Hagberg, Inspector/Examiner
Donna Glapser, Inspector/Examiner

*inspectors left at 11:34 am.



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GUESTS

Jeff Sells, Lee Roy Tucker, Malena Curtsinger, Michelle McFarland, Linda Wiist, Arden Nerius, Jeremy McMullen, Thomas Schneider

2. This regularly scheduled meeting of the Oklahoma Cosmetology and Barbering Board has been convened in accordance with the Oklahoma Open Meeting Act.
3. Possible discussion, revision, and vote to approve the minutes of the March 14, 2022 and April 11, 2022 Board meetings

A motion was made by Ms. Mather and seconded by Ms. Pierce to approve the minutes of the March 14, 2022 and April 11, 2022 board meetings.

Voting:

Mather, yes; Hodges, yes; Longest, yes; Luther, yes; Nguyen Pham, yes; Pierce, yes; Sinclair, yes; Whitson, yes.

Motion passed.



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4. In the Matter of the Complaint against Jeremy Lenear McMullen, #180517, Individual Proceeding: Case No. 2022-001
 - a. Possible discussion and vote to enter into executive session pursuant to 25 O.S., § 307(B)(8), for the Board to engage in deliberations or render a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act

Thomas Schneider introduced himself and explained his role as hearing advisor, assisting the board thru the process, testimony will be given under oath and all exhibits must be submitted into evidence.

Ms. Sandra Levanue introduced herself and explained they would be asking for the revocation of the license of Mr. McMullen, evidence will show that Mr. McMullen raped the victim that will testify here today and will request that license be revoked.

Mr. McMullen was invited to provide an opening statement, Ms. McMullen said he was a licensed Massage Therapist for three years and had over 1,000 clients, said he would not disrespect the school he attended or the business he worked for or his family.

Under oath Mr. Funderburk testified that he is the principal assistant for the last 4.5 years and acting interim director since March 14, 2022. He verified that he received an e mail complaint regarding Mr. McMullen raping the victim, police report, all of which he referred to legal for disciplinary action.

Various documents were entered into evidence including police reports.

Moriah Ann Norman was sworn in as witness. Moriah Ann Norman.

Ms. Norman said she is a married mother of three children and verified that she submitted the complaint to the cosmo board in reference to Mr. McMullen, stating that he sexually assaulted her during a massage at Beyond Esteem in Edmond. She pointed out Mr. McMullen in the room.



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Ms. Norman said she had an appointment for a massage at Beyond Esteem in Edmond, at about 7:30 pm on the evening of December 29, 2021 and had previously visited this business 4-5 times, including two visits with her husband for a couples massage.

Ms. Norman began her testimony by saying that the massage began normally but crossed the line and Mr. McMullen began touching her inappropriately, providing graphic details of the assault.

After the assault Ms. Norman was allowed to get dressed and use the restroom, stating that she deliberately did not wash her hands, knowing there would be evidence. She further stated that there was no one else present at the business during this time and did not believe anyone would hear her scream for help. Mr. McMullen walked her to the parking lot and said something to the effect "I hope that wasn't too straight forward) After she reached her car she called her mother who advised her to call police which she did, meeting them at a nearby gas station. An officer took her to an Oklahoma City hospital for an exam. A search warrant was carried out at the massage business and sheets used during the massage were found in a trash can in the supply area.

A similar police report was provided by another female victim, (who did not her name used and did not want to file charges but did want it on the record) the details of this report were nearly identical to her own experience.

Ms. Norman testified that she had never had a personal relationship with Mr. McMullen prior to this incident nor did he owe her money, she further testified that this has affected her marriage, her children and caused her to be fearful, believing Mr. McMullen is a threat to others.

Board members were allowed to ask questions of the witness and then Mr. McMullen was given the opportunity to cross examine the witness (Ms. Norman)

Mr. McMullen was objected to several times, with questions that were already asked and answered and statements that were considered testimonial.

Mr. McMullen asked why she didn't tell him to stop or why she didn't scream for help when there were houses and businesses located nearby. He asked the witness what his motive was that night. He asked how long the massage was and how much he charged. Board members were again allowed to ask questions of the witness.



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Mr. Schneider excused the witness and recommended that the Board move to recess and reconvene.

A motion was made by Ms. Hodges and seconded by Ms. Longest to recess for a 10-minute break.

Voting:

Mather, yes; Hodges, yes; Longest, yes; Luther, yes; Nguyen Pham, yes; Pierce, yes; Sinclair, yes; Whitson, yes.

Motion passed.

Mr. Schneider admonished the Board members not to discuss amongst themselves while in recess.

Roll call:

Machelle Callicoa, Chair
Christy Mather Vice Chair
Austin Hodges
Leah Longest
Christie Luther
Thao Nguyen Pham
Erin Pierce
Heather Sinclair
Kathy Whitson

Mr. Funderburk was recalled as a witness and answered several questions regarding licensing history for Mr. McMullen, when and where he attended school, background check, indicating he had no prior felony convictions, he passed a background check by OSBI. There was a felony charge dismissed in 2016, a misdemeanor in 2017, 2015 felony possession of controlled dangerous substance with intent. In 2013 possession with intent, 2010 assault and battery was dismissed.

Mr. McMullen was then sworn in as a witness.

Mr. McMullen said these allegations have hit him in the core, he has had other allegations that were not in this report that nothing came of, so he knew this was part of the profession, he has had thousands of other clients, this was his dream job, he never



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intended to harm or disrespect anyone, so he is apologetic for that. Has taken ethics courses.

He clarified that the name of his new business is "Relaxed AF" which stands for Relaxed Anatomical Functions he knew it was an attention getter which is why he used it. he denied violating any code of ethics. He acknowledged the charges against him in the past stating that he is now an adult and that none were of a sexual nature.

Ms. Levanue during her cross examination asked him about the domestic abuse with strangulation charges that were reduced to a misdemeanor to which he pled guilty, he served 11 days in Oklahoma county jail. The abuse was against Jeanetha Collins who is the owner of Beyond Esteem and he is currently the owner of relaxed AF, no one else conducts massages at Relaxed AF. He branched off to his own business a couple weeks after the incident at Beyond Esteem. After several other questions, the board was allowed to question Mr. McMullen.

Ms Levanue asked the board to revoke the massage therapy license of Mr. McMullen based on the clear and convincing evidence and testimony.

A motion was made by Ms. Whitson and seconded by Ms. Pierce to enter into executive session

Voting:

Mather, yes; Hodges, yes; Longest, yes; Luther, yes; Nguyen Pham, yes; Pierce, yes; Sinclair, yes; Whitson, yes.

Motion passed.

*****EXECUTIVE SESSION*****

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

Voting:

Mather, yes; Hodges, yes; Longest, yes; Luther, yes; Nguyen Pham, yes; Pierce, yes; Sinclair, yes; Whitson, yes.

Motion passed.



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After recess a roll call was taken and all members were present.

b. Possible motion and vote to return to open session

A motion was made by Ms. Pierce and seconded by Ms. Nguyen Pham to re enter open session.

Voting:

Mather, yes; Hodges, yes; Longest, yes; Luther, yes; Nguyen Pham, yes; Pierce, yes; Sinclair, yes; Whitson, yes.

Motion passed.

Mr. Schneider spoke for the record that no item was voted on or discussed other than what was properly noticed.

5. Possible discussion and/or action regarding Individual Proceeding: Case No. 2022-001

A motion was made by Ms. Sinclair and seconded by Ms. Whitson for Mr. McMullen to be found guilty. Of violating the boards rule by clear and convincing evidence including rule 175:20-9-1. Professional conduct

(c) A licensee shall not engage in an activity, interest or influence that conflicts with the licensee's obligation to act in the best interest of the client.

(h) A licensee shall not massage the genitalia of a client nor engage in, or offer to engage in, any activity with the intent of sexually arousing a client

(i) A licensee shall only massage the breasts of a female client if: (1) the licensee has training in techniques related to therapeutic treatment of mammary tissue;

Voting:

Mather, yes; Hodges, yes; Longest, yes; Luther, yes; Nguyen Pham, yes; Pierce, yes; Sinclair, yes; Whitson, yes.

Motion passed.



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A motion was made by Ms. Mather and seconded by Ms. Luther to summarily suspend the license according to 175:20-13-1, subsection d, pending result and outcome of administrative proceedings which we have done here today. The Board has a duty to protect the health safety and welfare and this requires us to take immediate action thus we are temporarily suspending the license.

Voting:

Mather, yes; Hodges, yes; Longest, yes; Luther, yes; Nguyen Pham, yes; Pierce, yes; Sinclair, yes; Whitson, yes.

Motion passed.

A motion was made by Ms. Pierce and seconded by Ms. Nguyen Pham to permanently revoke the license of Jeremy McMullen, pending the Attorney Generals review and to have all costs for today's proceeding to be assessed to Mr. McMullen.

Voting:

Mather, yes; Hodges, yes; Longest, yes; Luther, yes; Nguyen Pham, yes; Pierce, yes; Sinclair, yes; Whitson, yes.

Motion passed.

A motion was made by Ms. Hodges and seconded by Ms. Longest to direct the boards legal advisor to draft findings of fact and conclusion of law and final agency order as well as interim summary order of suspension for review and signature by the Board's chair.

A motion was made by Mather and and seconded by Ms. Luther to take a 10 minute recess.

Voting:

Mather, yes; Hodges, yes; Longest, yes; Luther, yes; Nguyen Pham, yes; Pierce, yes; Sinclair, yes; Whitson, yes.

Motion passed.



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6. Possible discussion and vote to enter into executive session, pursuant to 25 O.S., § 307(B)(1) to discuss the employment of an Executive Director for the Oklahoma State Board of Cosmetology and Barbering, including, but not limited to, interviewing and evaluating candidates
 - i. Possible discussion and vote to enter into executive session

A motion was made by Ms. Mather and seconded by Ms. Whitson to enter into executive session.

Voting:

Mather, yes; Hodges, yes; Longest, yes; Luther, yes; Nguyen Pham, yes; Pierce, yes; Sinclair, yes; Whitson, yes.

Motion passed.

*****EXECUTIVE SESSION*****

- ii. Possible motion and vote to return to open session

A motion was made by Ms. Mather and seconded by Ms. Luther to return to open session.

Voting:

Mather, yes; Hodges, yes; Luther, yes; Pierce, yes; Sinclair, yes; Whitson, yes.

Motion passed.

Note: Ms. Longest left the meeting at 4:15 pm, Ms. Nguyen Pham left the meeting at 5:05pm



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7. Possible discussion and/or action regarding the hiring of an Executive Director

A motion was made by Ms. Mather and seconded by Ms. Pierce to offer the position of Executive Director to Malena Curtsinger, she has five (5) days to respond, she will be on 1 year probation with a review after six months with a beginning salary of \$90,000 with incremental raises based on progress.

Voting:

Mather, yes; Hodges, yes; Luther, yes; Pierce, yes; Sinclair, yes; Whitson, yes.

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

No new business was heard.

9. Adjournment