

**OKLAHOMA STATE BOARD OF COSMETOLOGY AND BARBERING
ADVISORY BOARD ON MASSAGE THERAPY
BOARD MEETING MINUTES**

July 8, 2019

10:02 a.m.

2401 N W 23rd, Suite 84

Testing Center

Oklahoma City, Ok. 73107

Jeff Sells, Chair – Presiding

1. Call to order

Chair Sells called the meeting to order. The meeting had been properly posted and agenda-ized

2. Roll call

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

Jeff Sells
Machelle Calliccoat
LaFaye Austin
Peggy Avery
Christi Mather
Thao Pham Nguyen
Bruce Waight, Sr.

NOTE: Anthony Baldini and Bill Helton were not present on this date.

BOARD'S LEGAL ADVISOR

Grant Moak

Board Staff

Sherry G Lewelling, Executive Director
John Funderburk, Principal Assistant to the Director
Janelle Hastings, Administrative Assistant
Donna Glasper, Inspector/Examiner
Elaine Klemme, Inspector/Examiner
Hollie James, Inspector/Examiner
LaTonca Dollarson, Full Time Examiner
LauriAnn LA Gillette, Inspector Coordinator
Camisha Green, Student Dept.

Visitors

Mary Elizabeth LeBlanc, Brandy Bahm, Steve Funck, Rachel Adams,
Terra Close

3. Discussion and possible action to approve or disapprove budget report (May 1, 2019 to June 30, 2019)- Steve Funck and Brandy Bahm, OMES, Agency Business Services

Mr. Funck stated that all departments are operating under budget. Ms. Bahm reported there were no changes for FY20.

A motion was made by Mr. Waight and seconded by Ms. Mather to approve budget report (May 1, 2019 to June 30, 2019)

Voting:

Calliccoat, yes; Austin, yes; Avery, yes; Mather, yes; Pham-Nguyen, yes; Waight, yes.

Motion passed.

4. Discussion and Possible Action to Approve or Disapprove Board Meeting Minutes from May 13, 2019 and June 10, 2019

A motion was made by Ms. Calliccoat and seconded by Mr. Waight to approve Meeting Minutes from May 13, 2019 and June 10, 2019

Voting:

Calliccoat, yes; Austin, yes; Avery, yes; Mather, yes; Pham-Nguyen, yes; Waight, yes.

Motion passed.

5. Public comment- Opportunity for the board to receive public comments. Each speaker is limited to three minutes. Comments must be related to items listed on the agenda.

No requests for public comment were heard.

6. Director's report - Sherry G. Lewelling

Citations—Ms. Lewelling turned the floor over to the Board's legal advisor, Grant Moak to address this topic. Mr. Moak said four or five years ago the US Supreme Court ruled on a case involving the North Carolina Dental Board, that imposed restrictions on licensing boards where majority members are what we call 'active market participants' meaning members of board are licensees that make decision about other licensees such as revoking, suspending licenses, etc. and any final action has to be approved by the AG's office. If it fulfills a legitimate government purpose, then it becomes effective, so it added an additional step to the disciplinary process that boards take, it applies to cosmetology and barbering but not massage therapy as there are no massage therapists on the board. This all stemmed from the North Carolina Dental Board issuing cease and desist letters to 'teeth whiteners' which were ignored, so the dental board appealed to the mall owners, saying you've got unlicensed persons practicing dentistry, etc. and the mall shut them down, then the 'teeth whiteners' sued for anti-trust violation.

The final decision of SCOTUS was that there was potential anti-trust liability when the licensing board is made up of a majority of board members that practice the profession that they also regulate. In Oklahoma the way this was addressed was by an executive order from Governor Fallin that required any board recommendations, including issuing fines, to be first sent to the AG. Governor Stitt issued an executive order that affirms this but makes certain exceptions in that they do not have to be first sent to the AG's office to issue fines. Mr. Moak went on to say we do have the green light on issuing fines but we need to get some things worked out in a way that is consistent with the executive order.

Mr. Sells said our main goal is to pursue unlicensed practitioners who are potentially putting the public at risk and the salon owners that are allowing it, he also clarified that safety and sanitation violations can be fined on the second offense of the same violation.

Social Media Page- Ms. Lewelling said John spoke with OMES and they provided some tips on social media page, they said you must have a personal Facebook page, they recommended creating a fake account, several people must have administrative privileges so updates can be done, there is a process to set up government page and they can assist us on that if we need help. OMES also recommended that the public is able to post comments unless they are inappropriate, we must set standards on what to post and stay away from controversial topics. Ms Lewelling does not want to create a forum for people to get on there and complain, and biggest concern of all is who will manage the page, as the office staff does not have time, it would require a lot of daily attention. Mr. Waight agreed that a social media page was important but did agree that it would be a full time job and asked if it was feasible to add a position. Mr. Sells added that it was not currently in the budget, but could be looked at in the future.

IT Project's Update—Ms. Lewelling said the electronic inspection program is a priority, we fixed a few little glitches here and there, now that FY20 has started we will focus replacing the current system. Our inspector numbers for May and June 2019, includes 999 actual inspections, 293 attempted inspections and 26 schools for a total of 1,318 inspections in two months and that was with only 3 inspectors in the field as we were still testing career techs every day in May and June and still have one inspector position open.

Also she said we graduated our second class in the R.I.S.E. program at Mabel Basset Correctional Center, she and Elaine Klemme will go out on July 9 to conduct their state board exams. Ms. Luther also asked if she would help review the applicants for the next class.

7. Massage Therapy report - Laura Grisso, Ms. Lewelling said there was really nothing to report at this time since the legislative session has ended.

8. Discussion and possible action to change the September 9th board meeting due to conflict with the NIC conference.

A motion was made by Ms. Calliccoat and seconded by Ms. Austin to move the September 9th board meeting to Thursday September 12, 2019 at 9:00 am.

Voting:

Calliccoat, yes; Austin, yes; Avery, yes; Mather, yes; Pham-Nguyen, yes; Waight, yes.

Motion passed.

9. Discussion and possible action to approve board members and/or staff to the following conferences

FARB (Federation of Associations of Regulatory Boards) October 3rd – 6th. St. Louis MO
NABBA (National Association of Barber Boards of America) September 15th – 19th, Sparks, NV
NIC (National Interstate Council of State Boards of Cosmetology) September 7th – 9th Milwaukee WI
FSMTB (Federation of State Massage Therapy Boards) October 3rd – 5th, Atlanta, GA

Ms. Lewelling mentioned that she would need to fly back from NIC on Sunday September 8 to attend a scheduled meeting with Occupational licensing task force committee and they will be reviewing our Cosmetology, Barbering, Esthetician and Nail tech licenses.

FARB- Sherry Lewelling, Machele Callicoa, Jeff Sells and Grant Moak

NABBA-Bruce Waight, Sr and Sherry Lewelling

NIC—Sherry Lewelling, Jeff Sells, Machele Callicoa, LaFaye Austin, Peggy Avery, and Christi Mather.

FSMTB- Laura Grisso and LauriAnn “LA” Gillette

A motion was made by Mr. Waight and seconded by Ms. Avery to approve board members and/or staff to these conferences.

Voting:

Callicoa, yes; Austin, yes; Avery, yes; Mather, yes; Pham-Nguyen, yes; Waight, yes.

Motion passed.

10. Discussion and possible action to elect officers.

A motion was made by Ms. Austin and seconded by Ms. Mathers to nominate Mr. Sells for Chair.

No other nominations were heard.

Voting:

Callicoa, yes; Austin, yes; Avery, yes; Mather, yes; Pham-Nguyen, yes; Waight, yes.

Motion passed.

A motion was made by Ms. Austin and seconded by Mr. Waight to nominate Ms. Callicoa for Vice Chair.

No other nominations were heard.

Voting:

Sells, yes; Callicoa, yes; Austin, yes; Avery, yes; Mather, yes; Pham-Nguyen, yes; Waight, yes.

Motion passed.

11. New business which could not have been reasonably foreseen prior to posting of meeting agenda 25 O.S. sec.311 (A)(9)

No new business was heard.

Mr. Waight was granted permission to mention that he was opening his second brick and mortar shop inside the Homeless Alliance.

Mr. Sells announced the Christy Luther of the RISE program, is now collecting supplies for the new program at Eddie Warrior. Donations can be dropped off at the Rise Program Resource Center located at 3132 NW 31st Oklahoma City OK 73112.

12. Board adjournment

Mr. Sells announced the board meeting to be adjourned.

Jeff Sells, Chair _____

Machelle Callicoa, Vice Chair _____

LaFaye Austin _____

Peggy Avery _____

Christi Mather _____

Thao Pham-Nguyen _____

Bruce Waight _____