



OKLAHOMA STATE BOARD OF COSMETOLOGY AND BARBERING

BOARD MEETING AGENDA

September 13, 2021

10:00 a.m.

2401 N W 23rd, Suite 84

Oklahoma City, Ok. 73107

Jeff Sells, Chair - Presiding

1. Call to order

Chair Sells called the meeting to order.

2. Roll call

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

1. Jeff Sells, Chair
2. Machele Callicoat
3. Austin Hodges
4. Christie Luther
5. Christy Mather
6. Greg Mitchell
7. Thao Nguyen Pham
8. Erin Pierce
9. Kathy Whitson

Note: members Peggy Avery and Heather Sinclair were not present on this day

Board legal advisor

Ashton Poarch

BOARD STAFF

Sherry G Lewelling, Executive Director
John Funderburk Principal Assistant
Janelle Hastings, Administrative Assistant
Asrar Johnson, Inspector/Examiner
Donna Gasper, Inspector/Examiner
Caroline Hagberg, Inspector/Examiner
Elaine Klemme, Inspector/Examiner



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GUESTS

Ivan Lorenzo
Du Truong
Lonnie Whiston
laura Grisso
Krissy Miller
Linda Wiist
Don Duncan
Kathrine Duncan
Kwang Park
Erin Moore
Tonika Owens
Brandy Bahm
Shazia Ittiq
Thanh Shiboski

3. This regularly scheduled meeting of the Oklahoma Cosmetology and Barbering Board has been convened in accordance with the Oklahoma Open Meeting Act. Chair Sells verified the agenda had been properly posted and agenda-ized.
4. Discussion and Possible Action to Approve or Disapprove Board Meeting Minutes from July 12, 2021

A motion was made by Ms. Callicoat and seconded by Ms. Nguyen Pham to approve Board Meeting Minutes from July 12, 2021

Voting:

Callicoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

Motion passed.



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5. Discussion and possible action to approve or disapprove budget report (July 1, 2021 to August 31, 2021) – Brandy Bahm, OMES, Agency Business Services

A motion was made by Ms. Mather and seconded by Ms. Hodges to approve budget report (July 1, 2021 to August 31, 2021)

Voting:

Calliccoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

Motion passed.

6. Discussion and possible action to election of Officers

A motion was made by Ms. Mather and seconded by Ms. Luther to nominate Shelli Calliccoat as chair

Voting:

Calliccoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

Motion passed.

A motion was made by Ms. Calliccoat and seconded by Ms. Luther to nominate Christy Mather as vice chair.

Voting:

Calliccoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

Motion passed.



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Ashton Poarch briefed the board on procedures on citations.

7. Possible consideration of a motion 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.

- i. Possible motion and vote to enter Executive Session regarding individual proceedings for the following citations:

Citation Number 00018 Frank Robert Bonamo-Yeager; not present, fine not paid.

Citation Number 00023 Hong Phyc Hiep Doan; fine was paid

Citation Number 00024 Thi K Dao; fine was paid

*Citation Number 00113 Ivan Barber Studio Owner – Ivan Lorenzo; motion upheld

Citation Number 00114 R Nail and Spa LLC Owner – Tony Thien Do; not here, fine not paid

Citation Number 00115 Candy Cruz; not here, fine paid

Citation Number 00118 Nails Club and Spa Owner – Minh Duc Nguyen; fine upheld, fine \$1250 paid

Citation Number 00119 Galaxy Nail and Spa Owner – Phat Nguyen fine paid.

Citation Number 00121 Thanh Nguyen Shiboski; here, voted to dismiss

Citation Number 00122 Kim Anh Thi; not here fine \$250 paid

Citation Number 00124 Ngoc Boi Nguyen; not here, fine of \$250 paid

Citation Number 00125 Thi Thuy Hang Nguyen; not here, fine of \$250 paid

Citation Number 00127 Jenna Davis; not here, fine not paid

Citation Number 00130 Tonika Owens, here, fine upheld, paid \$250 of \$500 fine

***Citation Number 00113** Ivan Barber Studio Owner – Ivan Lorenzo;

A motion was made by Ms. Mather and seconded by Ms. Austin to uphold the fine.

Voting:

Calliccoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

Motion passed.



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***Citation Number 00118** Nails Club and Spa Owner – Minh Duc Nguyen; fine upheld, fine \$1250 paid

A motion was made by Ms. Mather and seconded by Ms. Callicoat to uphold the fine.

Voting:

Callicoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

Motion passed.

***Citation Number 00121** Thanh Nguyen Shiboski;

A motion was made by Ms. Pierce and seconded by Ms. Austin to dismiss.

Voting:

Callicoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

Motion passed.

A motion was made by Ms. Hodges and seconded by Ms. Mather to enter into exec session to discuss Citation Number 00130 Tonika Owens

****EXECUTIVE SESSION****

A motion was made by Ms. Hodges and seconded by Ms. Mather to re enter open session.

Voting:

Callicoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

*****RETURN TO OPEN SESSION*****



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Citation Number 00130 Tonika Owens, here, fine upheld, paid \$250 of \$500 fine

A motion was made by Ms. Austin and seconded by Ms. Callicoat to uphold.

Voting:

Callicoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

Motion passed

8. Discussion and possible action regarding individual proceedings for citations as listed in 6(i), above, which may include matters discussed in Executive Session.
9. Director's report and possible discussion— Sherry G. Lewelling

Inspections

SB 850

Ms. Lewelling said she did not have inspection numbers to share, Ms. Gillette quit recently and she is the one who kept numbers of inspection reports.

Ms. Lewelling said Senate Bill 850, by Sen. Nathan Dahm (R. Broken Arrow) was passed and signed by the Governor, she said it is essentially a deregulation bill, it stipulates that licensees can go into clients homes and perform any service at any time but because they are not in a licensed establishment we cannot enforce rules. So it does create risk for both the licensee and the client, for instance if a client experiences chemical burns they have no recourse through the Board because it was not done in a licensed establishment.

10. Massage Therapy Report – Laura Grisso

Ms. Grisso reported that the Massage Therapy Advisory Board met on August 18, 2021 at a regularly scheduled meeting. Officers were elected, Ms. Grisso was elected as Chair and Kelly Lene' was elected as Vice Chair. She said we discussed legislation, when they meet for October they will approve the bill they had last year and present to OSBCB in the November board meeting. She said Kelly Lene' and Sherry Lewelling will be attending the FSMTB conference which will be held virtually this year. Also discussed was the disqualifying event list and members were concerned it was too extensive. Ms. Grisso said conspiracy, racketeering were added with regard to human trafficking.

AAG Poarch explained that any crime on that list can bar an individual from getting license, they may submit to the Board for review and Board can vote to waive, and generally is considered. And if any criminal history has been expunged, the it need not be disclosed.



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11. Reciprocity Committee Report – Christy Mather & Jeff Sells

Ms. Mather reported on concerns that the safety and sanitation exam that is required for all reciprocity applicants, creates a hardship on those who live in outlying areas of the state, such as the panhandle, and those candidates must travel for several hours and sometimes pay must for lodging, all for an open book test that takes maybe 15 minutes to complete. It was discussed that possibly the Board could administer exams in different parts of the state on a quarterly basis, perhaps utilize technology centers, with inspectors and/or board members administering exams.

12. Discussion and possible action approving reciprocity committee recommendations for safety and sanitation testing.

A motion was made by Ms. Pierce and seconded by Ms. Hodges to approve recommendations made by committee

Voting:

Callicoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

Motion passed

13. Rules Committee Report – Christie Luther

Discussion of disqualifying events

Ms. Luther said the Rules Committee met on Thursday September 8 via zoom and discussed

1. modifications regarding threading, but because is limited as to what she can report because of ongoing litigation.

2. SB bill 850 by Sen. Dahm, which describes services that shall not be subject to inspection, rules or regulations by the Board of cosmetology and barbering. In our committee discussion we talked about many concerns regarding safety and sanitation and lack of accountability or regard for rules/regulations.

3. Disqualifying events –in past years Ms. Lewelling has always screened/approved any license applications with felony history, now, Ms. Lewelling will still approve, but Board members must vote to decide, in most cases that will be formality. She went on to



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remind Board members that our considerations and votes can have life altering affects on the lives of felon applicants, their families, businesses and livelihoods. She went on to provide statistics regarding incarceration rates in Oklahoma and the success of the R.I.S.E. program.

14. Discussion and possible action creating a threading license (EMERGENCY)

- 175:1-1-2 Definitions [MODIFY]
- 175:10-9-37 Examination for threading technician license [NEW]
- 175:10-9-55 Practices of cosmetology and barbering [MODIFY]
- 175:10-7-18 Disinfection precautions before and after each patron service [MODIFY]

The Board discussed proposals to allow a limited specialty license for threading and require safety and sanitation test, they must practice in licenses establishment and cannot put thread in mouth.

A motion was made by Ms. Luther and seconded by Ms. Callicoat to

Voting:

Callicoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

Motion passed

15. Discussion and possible action to approve or disapprove the establishment of regularly scheduled OSBCB meetings in 2022, every other month on the second Monday of the month at 10:00 am

2022 Dates Would be as follows:

- January 10th
- March 14th
- May 9th



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July 11th
September 12th
November 14th

A motion was made by Ms. Whitson and seconded by Ms. Hodges to approve the establishment of regularly scheduled OSBCB meetings in 2022, every other month on the second Monday of the month at 10:00 am as listed above.

Voting:

Callicoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

Motion passed

16. Swearing in of new board members; Austin Hodges and Kathy Whitson

Newly elected Board Chair Ms. Callicoat swore in new members Austin Hodges and Kathy Whitson

17. 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 comment were heard.

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

Mr. Sells respectfully requested permission from the Board to continue work on the new website as a non board member as he has already put in a lot of time and effort on this project.

A motion was made by Christy Mather and seconded by Ms. Pierce to allow Mr. Sells to continue work on the new website.

Voting:

Callicoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.



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Motion passed

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

Mr. Sells requested permission from the Board to continue work on the new website, as he has already put in a lot of time and effort on this project.

A motion was made by Christy Mather and seconded by Ms. Pierce to allow Mr. Sells to continue work on the new website.

Voting:

Callicoat, yes; Hodges, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes; Whitson, yes.

Motion passed

20. Board adjournment

Chair Sells adjourned the meeting.

Jeff Sells, Chair _____

Machele Callicoat _____

Sherry G. Lewelling
Executive Director



J. Kevin Stitt
Governor

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Austin Hodges _____

Christie Luther _____

Christy Mather _____

Greg Mitchell _____

Thao Nguyen Pham _____

Erin Pierce _____

Kathy Whitson _____