



OKLAHOMA STATE BOARD OF COSMETOLOGY AND BARBERING

SPECIAL BOARD MEETING AGENDA

July 27, 2020

10:00 a.m.

2401 N W 23rd, Suite 82

Suite 82 and/or Conference Line

Oklahoma City, Ok. 73107

Jeff Sells, Chair - Presiding

CONFERENCE LINE 1-866-494-2286

ZOOM 001

A. Call to Order.

Chair Sells called the meeting to order. A quorum was established with a roll call. The following Board members were present.

BOARD MEMBERS

Jeff Sells Chair
Bruce Waight, Vice Chair
Peggy Avery
Anthony Baldini via conference line
Machele Callicoaat
Bill Helton
Christie Luther
Christy Mather
Greg Mitchell
Thao Nguyen Pham
Erin L. Pierce

Board Legal Counsel

Jennifer Dickson
Thomas Schneider

Board Staff:

Sherry Lewelling, Executive Director
John Funderburk, Principal Assistant
Janelle Hastings, Administrative Assistant
Camisha Green, Student Registrar
Lauriann Gillette, Inspector Coordinator
Holli James, Inspector/Examiner



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Guests

Vanessa McClure
Katilyn Howell
Shamaira Virgil
Krissy Miller
Andrew Theodore
Alexis Davis
Christi Rice via conference call

B. Open Meeting Act (25 O.S. Section 301 – 314). Announcement of the meeting filed with the Secretary of State and the agenda posted in accordance with the Open Meeting Act.

Chair Sells verified that the agenda had been properly posted and agenda-ized.

C. In the Matter of the Complaint against Vanessa McClure, #49620, Individual Proceeding: Case No. 2020-001.

Thomas Schneider introduced himself as Assistant Attorney General for the State of Oklahoma and serves as hearing advisor for the Oklahoma State Board of Cosmetology and Barbering. This individual proceeding will be conducted under the Administrative Procedures Act Article II, the Cosmetology and Barbering Act as well as the Administrative Rules promulgated by the Oklahoma State Board of Cosmetology and Barbering. As this is an individual proceeding the Board's prosecutor will have the burden of proof and we will have a time for opening statements. The state's prosecutor will present evidence, testimony any other exhibits then there will be a time for respondent to cross examine any testimony. Then once the state rests, the respondent will be able to call witnesses and offer evidence then there will be a time for closing arguments.

Assistant Attorney General Jenny Dickson made her opening statement saying that she will present evidence that the respondent, Vanessa McClure who is a licensed instructor at Indian Capital Technology Center in Muskogee violated the rules set forth by this Board. As required by the rules, students must train under direct supervision of an instructor employed by that school at all times in order for students to receive credit for that cosmetology program. The evidence will demonstrate that on at least 33 days out of a full semester period, Ms. McClure was out of the classroom and no other licensed instructor employed by the school trained her students, most of those times Ms. McClure attended Skills events in different places that were not cosmetology related, including leadership training and classes, executive council meetings,



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student officer training, etc. Evidence shows that she was either traveling alone or with a few students and while she was away the rest of the class was left at the center to do their training without the supervision of a licensed instructor. There is evidence of salon visits as well and even on days when Ms. McClure was sick, there was no licensed instructor. Evidence will show that on these days, even though students were not instructed by a licensed instructor, Ms. McClure credited these students with cosmetology hours and was reported to this Board as earned hours. This resulted in approximately 40-44 students not receiving credit for 60-120 credit hours. There will be evidence that the Indian Capital campus had to devise a plan for these students to make up these hours in order to graduate. These actions constitute gross malpractice or gross incompetence, continued flagrant violations of this Board's rules and based on these violations the Board is authorized to revoke Ms. McClure's license.

Vanessa McClure introduced herself to the board and said she was there to defend herself and make clarifications saying that she does take ownership of the fact students were not being supervised saying that was the result of the lack of support from Indian Capital Technology Center, they never could hire a sub and refused to pay for subs to be in the department. When students were in the academic center they were working on board related subjects with a lesson plan. During times she was out, she had to submit a leave request which had to be approved by her superiors so they were aware each time she was gone. She felt Indian Capital Technology Center officials need to take responsibility for this as well. She said she has had a license for over 30 years, and never did anything out of malice and certainly never did anything to hurt her students. She also cited a rule that allows an instructor student to be counted towards the required ratio of instructors to students.

Ms. Sherry G Lewelling was sworn in as the state's first witness. Ms. Lewelling introduced herself as the Executive Director for the Oklahoma State Board of Cosmetology and Barbering and has served in that capacity for the past twelve years, stating it is her job to make sure the agency runs smoothly, things are taken care of including exams and inspections and all agency operations. Ms. Lewelling testified that for students to receive credit for hours they must train under the direct supervision of a licensed cosmetology instructor and all licensed cosmetology instructors are required to know the law, rules and regulations and she clarified the rule 175:10-3-54. Instructor/student ratio (b) that allows an Instructor student to be counted toward the required ratio of instructors to students. She further clarified 175:10-3-56 (d) which states that direct instructor supervision is required and a student must train under the direct supervision of an instructor employed by the school at all times in order to be credited for hours by the Board.



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Ms. Dickson introduced Exhibit 1, a memo dated August 8, 2018, emailed to all career tech instructors including Ms. McClure, in which Ms. Lewelling defined situations which might prevent students from receiving credit for hours including training in a computer lab on Key Train or other high school subjects during time that is designated for pure cosmetology instruction or if students do not attend at least the minimum fifteen hours per week, and specifically mentioned Rule 175:10-3-56 that states a student must train under the direct supervision of an Instructor employed by the school at all times in order to be credited for hours by the Board.

Exhibit 2 was introduced, a record of Ms. McClure's renewal of her Master Cosmetology Instructor license.

Exhibit 3 was a collection of Leave Request forms for various functions unrelated to cosmetology and signed by Ms. McClure indicating that individuals not licensed as a Cosmetology instructor would be substituting for her on those dates (Brenna Stinnett, licensed Cosmetologist and enrolled as an Instructor student at the time, Freedom Brown, a licensed Cosmetologist employed as an aide, Teresa Marshall, instructor in academic center, Sharon Billings, school counselor

Exhibits 4, 5 and 6 were collections of Class Attendance Records submitted to the Board from August 2018 through May 2019. All records indicated that students were credited with hours on days Ms. McClure was off campus and students were not under the direct supervision of a licensed cosmetology instructor.

Exhibit 7 is a copy of meeting minutes from an Indian Capital Technology Center Advisory meeting held October 24, 2019 which documented discussion of salon visits by students, Mr. Phares opinion that it constituted a liability to the school, and that per State Board, hours could not be credited to students unless they were accompanied by Ms. McClure or a qualified substitute.

In her testimony, Ms. Lewelling referenced a phone call from Ms. McClure in which the subject of job shadowing came up, Ms. Lewelling said well, you know that's illegal and Ms. McClure replied, well I know I can't give them hours for that. Ms. Lewelling questioned why she would let them go into a salon during the school time knowing they could not receive credit for those hours rather than keep them in school where they could receive hours. Ms. McClure then changed the subject.



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Board member Bruce Waight asked Ms. Lewelling whose responsibility is it to find a qualified cosmetology instructor? Ms. Lewelling answered that it is usually the Instructor's responsibility and makes the administration aware.

Ms. Lewelling testified that she deducted hours that were wrongfully credited to students and offered to assist Mr. Doyle Bates in assessing where the students were in their training by providing a mock exam at the school. At the conclusion of her investigation she initiated a complaint with the Attorney General's office and explained what rules were violated.

ZOOM 1

1:47

Mr. Greg Phares was sworn in as the second witness for the prosecution. He introduced himself as the Campus Director for Indian Capital Technology Center, a position he has held since July 2018 to present. His job duties include the oversight of nineteen different technology programs, maintenance of those facilities, implementation of instruction, budgeting and approval of leave and transportation requests. Mr. Phares testified that he did approve the leave requests submitted by Ms. McClure.

He said he was involved in the hiring process of Brenna Stinnet who was employed as an instructional aid for the 2018-2019 school year. He knew she was a recent graduate of the cosmetology program and had passed the exam but he was not aware of the rules of cosmetology that required students to be under direct supervision of a licensed cosmetology instructor in order to receive credit for those hours nor did Ms. McClure make him aware of any such requirements.

He testified that the e mail sent out by Ms. Lewelling (Exhibit 1) was not sent directly to him nor did he receive forwarded copy from Ms. McClure. He went on to explain that Freedom Brown was another graduate of the Cosmetology program who had recently passed her state board exam and was also hired as an instructional aid for the 2019-2020 school year. He was also involved in that hiring process and there was another candidate who was a licensed Cosmetology Instructor. He explained that during the hiring process they do take into account the wishes of the Cosmetology Instructor because they do have to work together and want to make sure they are a good fit. Ms. McClure recommended Ms. Brown for the position. Ms. Dickson asked about other names listed on leave requests as possible substitutes, none of whom are licensed cosmetology instructors, including Sharon Billings who is a counselor, Teresa Marshall and Teresa Bunch both of whom are instructors in the academic center. He testified that he oversees nineteen different training programs, and is not familiar with all the rules and regulations of each of those trades and relies on the instructors to keep him informed.



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Mr. Phares went on to say that Ms. McClure had come to him in November 2019 regarding a field trip for her students to go on salon visits where she would check on them in various salons. He did not approve this request as he thought it was just not good business, there were various liability issues cited, the school did not want students driving themselves anywhere and also because Ms. McClure had been gone the previous three days. Ms. McClure then registered a complaint with his supervisors, Mr. Bates and Mr. Pivets, which is what initially prompted the investigation. Ms. Dickson asked if Ms. McClure ever sought to have an instructor hired to which Mr. Phares answered no.

ZOOM 1
2:06:45

Ms. McClure asked Mr. Phares if he had had any career tech experience prior to being hired at ICTC. Mr. Phares explained that his background is in industrial education, he was a middle school principal for twenty-two years before he was hired by Indian Capital Board of Education. Ms. McClure asked if there were any other candidates that applied for his job that had Career Tech experience to which Mr. Phares replied he did not know.

Ms. McClure asked Mr. Phares about his earlier testimony regarding the hiring process for the cosmetology program, and he stated he was not aware that they needed to have an instructor license. Ms. McClure stated the job posting was advertised as a cosmetologist. During the two hires for Brenna and Freedom, he stated that he deferred to Ms. McClure's recommendation. When Freedom left in September we had a discussion and I asked you if we could hold off on hiring someone, but you came to my office on October 10 and asked me if I could explain the position and what it entails. She answered that she liked to hire former students and they have an opportunity to work on their instructor training.

ZOOM 1
2:10:00

Ms. McClure asked if Mr. Phares if he went out to recruit someone for the position in October and he said he didn't think so. But he did ask Darla Bailey who cuts his hair, and told her they were looking for someone to hire as a cosmetology assistant, and asked her to spread the word because that's how you find out stuff. Ms. McClure asked Mr. Phares when he first became aware of the infractions concerning the hours with state board. Mr. Phares it was probably in December 2019, and did not discuss it with her because it was not his place to discuss with her at that point because it was under investigation and he was the lead investigator. Ms. McClure said Mr. Phares was her direct supervisor and she was not made aware of anything.

There were no further questions by Ms. McClure.

There was no Re direct from Ms. Dickson



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Chrissy Mather asked if he, Mr. Phares was her direct supervisor and does she have complete jurisdiction over the cosmetology program of your school to direct and implement the legal rules/regs. Mr. Phares answered yes to both questions.

Mr. Helton asked if Ms. McClure was part of the three member hiring panel and was she involved in the hiring process and was present in the room when the interviews took place, again Mr. Phares answered yes.

Mr. Sells asked about policy of ICTC and who is responsible for arranging for substitutes in the event of an absence?

Mr. Phares answered the way it works is generally with our instructor and support staff they will submit a paper request to him, he will note it on the big calendar, with 80 some employees it gets full pretty quickly, after he signs off on the form he forwards leave requests to his assistant and she will assign a substitute. He explained that they do not hire outside substitutes but instead they have about twenty bus drivers, Ms. Cole tells them where to be and what time.

He said he was not aware substitutes for the cosmetology program needed to be licensed but in January 2020 they did hire another assistant who was a licensed cosmetology instructor and that took care of the problem.

Ms. Luther asked about the different terms used to describe assistants, cosmetology aide, instructional assistant, Mr. Phares said those terms are all interchangeable the formal title is a cosmetology instructional aid.

Mr. Sells clarified the instructional aid was not hired to teach but to assist the instructor.

Mr. Helton asked when the position was advertised as cosmetology assistant or cosmetology instructor, Mr. Phares was not sure but thought it was cosmetology instructional assistant.

Ms. McClure asked if he was hired to bring structure and order to the Muskogee campus and he answered no. Ms. McClure asked if he felt like at any time he should at any time have contacted the Board to be involved with cosmetology functions and rules/and regulations.

Mr. Phares answered that the Board is a resource and if he wants to use it he can.

Ms. Mather asked who put together the job posting and Mr. Phares answered the Central office, it is posted in newspaper and on Facebook.



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Ms. Dickson asked if Brenna Stinnet and Freedom Brown were bus drivers who substituted for Ms. McClure and Mr. Phares answered no, they were cosmetology instructional aids/assistants not cosmetology instructors.

ZOOM 1 2:20

Mr. Doyle Bates was sworn in as the third witness for the prosecution. He introduced himself as ICTC Assistant Superintendent, a position he has held since July 1, 2018 and stated his responsibilities involve mostly personnel and some budgeting. He stated that he knew Ms. McClure as the cosmetology instructor but had never interacted with her prior to his hiring at ICTC. Ms. Dickson asked if he was familiar with the rules and regulations that governed the nineteen different trade programs, he said those are things you learn through experience and he had not had opportunity to learn all the rules that govern cosmetology.

He said instructors are uniquely knowledgeable in their area and he was dependent upon Ms. McClure to know the rules and regulations governing her profession and he had trust in her ability given her thirty-plus years of experience.

2.26.00

Ms. Dickson asked about the hiring process with the two assistants, Brenna Stinnet and Freedom Brown. Mr. Bates replied that he was not involved in that hiring process and only had knowledge of the applicants through the administration at ICTC Muskogee campus. Ms. Dickson asked about the position that Brenna Stinnet held, when that job was advertised and people were interviewed, did he know if there was a licensed instructor that had interviewed for that position. Mr. Bates clarified that he was told through Muskogee campus administration that there were qualified cosmetology instructors that had applied but heard Mr. Phares say in earlier testimony that he went along with Ms. McClure's recommendation. In December 2019, after the November conversation had taken place, and because he is in charge of personnel he, Mr. Bates, was charged with looking into cosmetology rules and regulations and realized we had to have a licensed cosmetology instructor for those students to receive hours. The recommendation from Ms. McClure was to hire a student who had just graduated from cosmetology from the Sallisaw campus with only a cosmetology license and Mr. Pivet stated that we would hire a licensed instructor or we would hire no one at all.



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Ms. Dickson asked who was hired during the 3rd hiring process. Mr. Bates said Tonia Johnson, a licensed cosmetology instructor but she was hired as an instructional aid. Ms. Dickson asked when she was hired were there other applicants who were cosmetology instructors? Mr. Bates said yes there was two that were qualified as an instructor and one who was not. Ms. Dickson asked if Ms. McClure's opinion asked and who did she want? Mr. Bates answered that Ms. McClure wanted the student from the Sallisaw campus who was not an instructor and the decision was made to hire the cosmetology instructor.

ZOOM 1 2.29

Ms. Dickson asked why would it be important to seek Ms. McClure's input regarding in the hiring process? Mr. Bates said that in any position, it's about fit, this new person would work side by side with the instructor so would give the instructor's recommendation high consideration.

Ms. Dickson asked if he, Mr. Bates had ever denied a request by Ms. McClure to have a licensed instructor and he said no that request had never been made.

ZOOM 1 2.35

Ms. Dickson asked if he had an opportunity to meet in November 2019 with Ms. McClure and Mr. Pivet and did he recall the reason for that meeting? Mr. Bates answered yes he did and it was because Ms. McClure had set up a meeting with Mr. Pivet about Mr. Phares denying the field trip and because it was a personnel issue I was invited to attend. Mr. Phares had denied her request to send students on salon visits, she was upset and said she had been doing it for years and didn't understand why, as she told them the rules had not changed. Ms. McClure was told they would look into it, speak with the Board to see if maybe rules had changed, the main question was it acceptable for students to make salon visits. It was discovered that field trips must be approved,

ZOOM 1 2.42.00

In December 16, 2019 Mr. Bates said he reached out by e mail to Ms. McClure to discuss his concerns and the findings of their review of the rules and advised her he'd seen some discrepancies in the rules and if she knew of hours that had been given to students that did not meet expectations of the board she needed to look into those and make corrections as soon as possible. When asked if he had heard back from her he said no.



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Mr. Bates said the results of the mock board done at the school was two of the four students who appeared passed the mock exam.

Mr. Bates said it was May 8, 2020 when he received notice from the Board that some hours would be would not be accepted and meetings were set up with Ms. McClure and she was advised of students not receiving hours as they were not under the direct supervision of a licensed cosmetology instructor.

He also said he learned during the course of his investigation that students were allegedly forced to take part in Skills USA and they alleged they were treated unfairly if they did not take part. He said there were about forty two students, both juniors and seniors who were affected by the hours being uncredited.

During her cross examination Ms. McClure asked if he had any career tech experience in administration and consumer science programs. prior to being hired at ICTC. He said he superintendent makes recommendations and the board hires. He said he first became aware of the hours infraction when the board denied those hours on May 8, 2020. Ms. McClure asked if he had discussed that with her and he answered no, he had tried twice to set up a meeting and couldn't get together, so he sent the e mail to her in December 2019.

Under re direct Ms. Dickson asked if during meeting with him, Ms. McClure and Mr. Pivek did Ms. McClure ever ask you or suggest you should reach out to the Board?

Mr. Bates said No.

Chair Sells called for a 15 minute break

A motion was made by Mr. Helton and seconded by Mr. Waight to take a 15 minute break. Mr. Sells reminded all board members not to discuss anything about this case.

Roll call before break: Sells, here; Waight, here; Avery, here; Baldini, here; Calliccoat, here; Helton, here; Luther, here; Mather, here; Mitchell, here; Nguyen Pham, here; Pierce, here.

BREAK

ZOOM 2

Recording lasted 18 seconds was just me fiddling with changing out the batteries

ZOOM 3



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2.53

Mr. Sells called the meeting back to order.

Roll call after break: Sells, here; Waight, here; Avery, here; Baldini, here; Callicoat, here; Helton, here; Luther, here; Mather, here; Mitchell, here; Nguyen Pham, here; Pierce, here.

After break there were no further questions for Mr. Doyle by either Ms. Dickson or Board members.

Ms. McClure was sworn in as her own first witness.

Ms. McClure began her statement explaining how she got to this point, through previous administrations and previous board directors. She claimed she was told by a previous director that they could hire a teaching assistant who could enroll and work towards their instructor license and that is how the hiring of previous students came about. That practice was accepted and approved by my previous administration and previous director.

Ms. McClure stated she still held a current Master Cosmetology instructor license and she said she is no longer employed with ITCT, her retirement from ITCT was effective July 14, 2020.

In September 2019 she requested permission for her students to travel to various salons and observe the day to day function of a full service salon and the services rendered and that request was denied. She said she was upset and in shock about this because it had been the standard practice for several years and was a common practice in other schools. After Mr. Pivet and Mr. Doyle both stated they would research the matter and get back with her.

October 19, 2019 Ms. Donna Glasper, Inspector came to the school and conducted an inspection. After inspection they discussed the practice of sending students to salon visits, Ms. McClure said Ms. Glasper and said she had always supervised the students by going to the various salons. She said Ms. Glasper conferred (sic) that cosmetology students, under direct supervision, could go to salons and only observe work being performed by licensed professionals, meaning they could not work they could only observe or shadow. Upon departure she met campus director Greg Phares in the hallway, Ms. Glasper gave Mr. Phares and Ms. McClure her business card and advised them to call Ms. LauriAnn "LA" Gillette, Inspector Coordinator for further clarification. So Ms. McClure contacted LA and spoke with her about salon visits.



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ZOOM 3 #10.47

During our conversation we each read out of the rule book, rule 175.10:3:56 (e) we went over that rule and I explained how I conducted salon visits and LA said it was good and as she was reading it there should be no problem, and she visited further with ICTC administrations. Ms. Desmuke said it was her opinion that her students were always supervised, she always drove a school issued vehicle to salons each time and she requested from school officials for students to be off campus. Her school was always aware of this practice as she always had to check out a vehicle and get permission from the school. In November 2019 she approached Doyle Bates about his findings with State Board, Doyle Bates told her that Ms. Lewelling informed him that salon visits were not allowed if not supervised by a licensed instructor. Ms. Desmuke said the hiring of all substitutes, qualified or unqualified, is the sole responsibility of Indian Capital Tech, she said ICTC refused to hire a substitute, saying that the school had aids and support staff who could substitute. She said it was during this time that she became aware that she had to request approval from the Board for field trips. She said out of forty one career techs only one had submitted Board approval for field trips. She said she felt as though Ms. Lewelling became very irritated at her questions, and said she was harassed, tormented and treated rudely by state board and her phone calls were ignored and voice mails were not returned.

She went on to say she was the only licensed cosmetology instructor employed by ICTC and always made sure her students were supervised by certified staff not just a janitor or receptionist.

On February 26 she was told by Greg Phares that her program was being audited and there was to be a mock exam done at her school which she had never heard of, this was confirmed by Ms. Lewelling.

Jenny cross examination

Zoom 3

32.45

Ms. Dickson opened her cross examination by asking Ms. Desmuke isn't it true that that you have known at least since August 2018 that students have to be under your direct supervision to receive credit for their cosmetology hours. Ms. Desmuke answered yes. Ms. Dickson verified that Ms. Desmuke had been licensed as a cosmetology instructor for thirty years and then asked would it be fair to say you have known about this rule since prior to August 2018 and this has always been in the rule book, has it not, that students have to be under direct supervision to get those credits? Ms. Desmuke: mmhmm.



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Ms. Dickson: When you leave to go to a Skills USA event, whether you have students with you or not, you are leaving the remainder of your students in the classroom, and would you agree those students are not under your supervision? Ms. Desmuke: No they are not. Ms. Dickson: During tht time frame, your assistants Freedom Green and Brenda Stinett, neither of whom are instructors, Ms. McClure answered no.

August 2018 to December 2019, the remainder of your students are left without direct supervision, Ms. McClure, yes.

Ms. Dickson: you are aware that teaching can only be done by licensed instructor? Ms. McClure, yes.

Ms. Dickson: during this time frame, August 2018 to December 2019 other than you there are no other licensed instructors at ICTC? Ms. McClure, no.

Ms. Dickson: so you mentioned the term direct supervision. that you drop off different groups of students at different salons and you are supervising them? Technically if you are not with students at Salon A, and you are with students at Salon B, then you are not supervising students at Salon A? Ms. McClure, no.

Ms. Dickson referred to Ms. McClure's earlier testimony in which she alleged that other schools were allowing students to make salon visits and crediting those students with hours but Ms. McClure refused to name those schools.

Ms. Dickson asked if Ms. McClure recalled an advisory board meeting in October 24, 2019, and you had a student who would take minutes for you? Ms. McClure, yes. Ms. McClure read aloud from the minutes of the advisory board meeting, which stated that the rules have not changed, the procedure is the same as it has been that students do not receive hour on the date of salon visits, however Ms. McClure does track the students for accountability. Ms. McClure said she didn't know what this was about, and was not clear to her and she did not recall saying this nor did she recall telling Ms. Lewelling that she knew she could not give hours to students for salon visits.

Ms. Dickson asked if you would you agree that you have never asked Mr. Phares, Mr. Bates or Mr. Pivek to hire a licensed instructor? Ms. McClure I agree. And you did recommend Ms. Stinnet and Freedom Brown, neither of whom are instructors. Ms. McClure, yes.



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Ms. Dickson verified that Ms. McClure did submit attendance records to the board in which students were credited hours when Ms. McClure was not present.

Ms. Dickson had no further questions.

Chair Sells asked Ms. McClure during this time period there were student instructors who were clocking hours while receiving pay by the school? Ms. McClure yes. Mr. Sells asked her if she understood this was a violation of rules as well? Ms. McClure, no.

56.19

Ms. Mathers wanted to clarify did anyone from the board indicate it was acceptable to credit hours for salon visits? Ms. McClure said according to conversation she had with them and telling them how I was doing salon visits, it was ok but was not sure if she communicated to them (Board staff) that students were clocking hours for these visits

Ms. Mather questioned Ms. McClure's allegation of being treated rudely and the use of the word harassed.

Ms. McClure said it became evident through the investigations and talking to state board, before it was always friendly, and I never had a problem with the board at all but noticed last November and December things just kind of got rude, and I was left out of everything that was going on, I was totally left out of any communication it was between my administration and the board. To be honest I felt it was a total whole other thing with Indian Capital, it was just like they jumped on the bandwagon with each other and I was left out of communication and I was not made aware of anything. It just got pretty rough and I felt harassed and it was yeah a bad situation.

59.50

Mr. Sells asked with regards to student instructors how are their hours noted on time reports?

Ms. McClure: At the time, Freedom was there less than a month, and then Brinna's hours were submitted but they were not on records submitted to the board in evidence. Mr. Sells asked if Brinna was being paid at the same time she was accumulating hours as a student instructor, Ms. McClure answered yes.

Mr. Sells noted Rule #175 10.54 which clarifies student to instructor ratio and Rule #175.10.62 that says student instructors cannot be paid. Ms. McClure said she was not aware of that rule.

Mr. Helton: you said in your testimony that you were aware that students must be under direct supervision of licensed instructor to be credited hours. You were present during two hires, Freedom Brown and Brianna Stinnett and you knew they were not licensed instructors and you did make a recommendation these two to be hired. Ms. McClure, yes.



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A motion was made by Mr. Helton and seconded by Ms. Callicoat to break for fifteen minutes

Mr. Sells reminded board members to not discuss the case during break.

Roll call before break: Sells, here; Waight, here; Avery, here; Baldini, here; Callicoat, here; Helton, here; Luther, here; Mather, here; Mitchell, here; Nguyen Pham, here; Pierce, here.

BREAK

A motion was made by Mr. Helton and seconded by Ms. Callicoat to reconvene after break.

Roll call after break: Sells, here; Waight, here; Avery, here; Baldini, here; Callicoat, here; Helton, here; Luther, here; Mather, here; Mitchell, here; Nguyen Pham, here; Pierce, here.

Zoom 3
1.42

Krissy Miller was sworn in as a witness for the defense.

Ms. Miller said she was employed at SW Technology Center. She was previously employed from 2015 to 2017 first as an inspector then as a student registrar for a year at the Oklahoma State Board of Cosmetology. When asked if she had ever received any field trip approvals as student registrar, she said there were very few, maybe five, and those were all from private schools. Typically these were e mails stating that the school was going to be going to a specific location, sometimes they included student's information but not always. Those would be forwarded to Sherry Lewelling and she would go on to approve or disapprove. She was an inspector for a little over a year before becoming student registrar and was in fact, inspector for Indian Capital Technology Center.

Ms. McClure asked Ms. Miller if she had any previous knowledge of any career tech that may not have been using a licensed instructor as a substitute Ms. Miller answered that in 2015 the agency had several complaints that Caddo Kiowa Career tech was using a bus driver as a substitute when the licensed instructor was out due to cancer treatments. There was a student instructor who was teaching but supervising was done by bus drivers. Inspector Donnie Allen went to the school and talked to the administration about those complaints, eventually the Instructor left and the student instructor became licensed and took over. Upon those complaints never was the school or instructor under investigation, the conversation was had with administrators and it was a done deal.



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Ms. McClure asked if Ms. Miller if she had any knowledge of any other schools and or students that did salon visits, Ms. Miller answered yes, conversations have been had at multiple conferences about job shadowing, she alleged specifically that Sue Paine at Meridian Technology Center requires her adult students to do a certain amount of hours per year to get credit to complete school.

When Ms. Miller was asked if she was aware of any other schools that participate in Skills USA activities and receive hours, she answered that the majority of all schools participate in SKILLS USA which is an organization within our group, our school requires total participation, it's a requirement, my students go to all leadership, we use leadership as part of chapters 2, 3, 4, 30, 31 and 32 that is built upon leadership, learning how to build resumes, job interviews, public speaking, those topics are reiterated within cosmetology so leadership is a part of that and it's not just hands on. My students get hours and I know multiple other teachers that do the exact same thing.

Ms. McClure asked is there anywhere that simply states that they can only receive hours thru SKILLS USA activities for skills? Ms. Miller said it just states that it is cosmetology related. So I have been able through my lesson plans, have been able to relate those specific topics that they compete in in leadership to my curriculum.

Ms. McClure: So you would say as an employee or inspector here have you witnessed other schools that give hours for SKILLS USA that relate to curriculum textbook?

Ms. Miller said as a student registrar and even as member of staff we went to a contest to be judges, and to be representatives, we have inspectors now that are judges, so they all know we are there they know our students are getting hours, there's never been a question of that. So I've never been under the influence (sic) that I wasn't allowed to give my students hours for SKILLS USA because I've been able to relate those to cosmetology.

Ms. McClure: have you ever submitted a request for students to participate in SKILLS USA?
Ms. Miller said absolutely not and no other career tech besides Wendy Lee has submitted a request for a field trip to any SKILLS USA field trip.

Ms. McClure do you know how career tech is correlated or has an agreement with the Board in relation to the SKILLS USA activity or what students can or cannot participate in?

Ms. Miller answered no, cause when I worked with the board SKILLS USA was not really understood within Board and that is what it is. But I've always, hard and soft skills are part of the entire industry and so whether or not, it's never been addressed that they aren't.



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1.49.30

But I'll be honest I don't send field trip submissions in, no other instructor that I've worked with in eight years has done it either. I worked for multiple private schools that didn't do it. It's not a practice, there is no formal form for it and it's just saying this is where we will be, I understand why we do it but it is not enforced upon us to get it done.

1.50.00

Upon cross examination Ms. Dickson verified that Ms. Miller does have a licensed cosmetology instructor to substitute.

Ms. Dickson asked Ms. Miller if she traveled with one or two students to SKILLSUSA and if there were students who stayed behind were those students supervised by a licensed instructor? Ms. Miller answered yes, her sub is a licensed cosmetology instructor.

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Ms. Dickson asked about her earlier testimony regarding Sue Paine at Meridian Tech. Ms. Miller said Ms. Paine told her last August during a summit meeting that she requires her students to complete their hours to do x amount of hours each semester of job shadowing. Ms. Paine does not supervise them when they job shadow because it's done on the weekend. They cannot do it during school time. When asked if she had brought this to the attention of the board Ms. Miller answered no, because it's reported multiple times a year to the board that teachers are in violation and nothing is done.

When asked if she, Ms. Miller has direct knowledge of Ms. McClure and her leave requests, or direct knowledge over her hourly reporting Ms. Miller answered no.

1.59.00

Ms. Mather asked when you are speaking of SKILLSUSA you are taking students off site and it would be a field trip but in your opinion that doesn't need to be cleared thru the board?

Ms. Miller answered no, it's not been done and that's just the honest truth, her school does not force her to do that. Ms. Mather asked if it was her understanding that the board **does** require that and Ms. Miller answered yes ma'am.



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Mr. Helton: Just to clarify you are telling this board that you are aware that letters need to be submitted to the board for field trips or going off campus and you do **not** do that as an instructor and Ms. Miller answered absolutely.

And while you are at SKILLSUSA you have a licensed instructor at the school with your students every time? Ms. Miller, yes every time.

2.05.00

Kaitlyn Howell was sworn in as the next witness for the defense. She stated she is now employed in a salon in Muskogee and was previously employed at ICTC since 2011 and with Sallisaw campus since August 2018 to July 8, 2020 when she resigned because she felt like her administration didn't support what we had to follow for state board and felt like our administration and state board had an unethical relationship and that made her uncomfortable and that is why she removed herself from the situation.

She said she was a student of Ms. McClure's while in high school and participated in SKILLS USA and was a state officer, she was aware of the rules so didn't always get to clock hours and there were a lot of times they were together all summer and she didn't get to clock hours. She did not feel like there were repercussions if she did not want to participate in SKILLSUSA

ZOOM 3

2.10.30

Ms. Howell had brought up to her administration many times that she needed a certified substitute, someone with a Master Cosmetology Instructor license, in April 2018 she went to his office with a list of questions. Beginning in August 2018 she did not have a licensed substitute March 2020 conversation with Mr. Bates and some students were on track to participate

Bill Helton: do you as an employee you have some assumption of responsibility to advise your administrators of what is going on within your profession.

She said yes and his door was always open and she shared her concerns with him and felt like he responded to the best of his ability.



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Zoom 003

2.32.00

Andrew Theodore was sworn in as the next witness for the defense. He stated he is employed by ICTC Muskogee, as an instructor of automotive technology since summer of 1999.

Ms. McClure asked about the sub process for his program. If you need a sub you are supposed to notify administration and they choose the sub for the program. I have never chosen a sub nor been asked to choose a sub. Usually a bus driver or front office person, none of whom are trained in my field. The process includes processing a form. Current admin policy is to text or call and let them know you will not be there.

Asked if he had ever had an instance when his class was not covered, he said yes, February 2019 he was gone for a funeral and when he returned to school he was told by afternoon students there was no one in the classroom and they had no substitute. The students signed the sign in sheet and got their assignment and began working. After the afternoon break one of the students stopped at the front desk and let them know they were working alone. In his absence he leaves a lesson plan, instructions for the sub to follow, but seldom allows them into the shop unless he is there.

He testified that the ICTC Muskogee campus developed a reputation for lack of communication between admins and instructors so yes there's been some issues.



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Closing Statements by prosecution:
Jenny Dickson closing statement:

I think the evidence clearly established what we alleged in the complaint the Ms. McClure did not provide direct supervision for her students for numerous hours, with the knowledge she submitted in quite a few hours for these students. Over forty students suffered greatly there was an estimate of ninety to one hundred twenty hours that were revoked. That is an egregious violation of the rules.

There was a lot of testimony of knowing what the rules are but not following the rules.

Ms. McClure closing statement:

I acted with my administration they were aware of the practices when they came on board, I never with ill intent sought to hurt any of my students in any way, it is the passion I have for the profession. It was an ICTC thing to hire previous students to someday take over the program. It was not with gross intent and malice. She asked the board to reconsider and not revoke her license as it is her livelihood. She ended by thanking the Board for their time.

A motion was made by Mr. Helton and seconded by Ms. Callicoat to take a five minute break.

Roll call before break: Sells, here; Waight, here; Avery, here; Baldini, here; Callicoat, here; Helton, here; Luther, here; Mather, here; Mitchell, here; Nguyen Pham, here; Pierce, here.

BREAK

A motion was made by Ms. Luther and seconded by Ms. Avery to reconvene after break.

Roll call after break: Sells, here; Waight, here; Avery, here; Baldini, here; Callicoat, here; Helton, here; Luther, here; Mather, here; Mitchell, here; Nguyen Pham, here; Pierce, here.



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A motion was made by Mr. Helton and seconded by Ms. Nguyen Pham to move into Executive Session.

Waight, yes; Avery, yes; Baldini, yes; Calliccoat, yes; Helton, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes.

****EXECUTIVE SESSION****

ZOOM 4

A motion was made by Mr. Helton and seconded by Ms. Calliccoat to re-enter open session.

Voting:

Waight, yes; Avery, yes; Baldini, yes; Calliccoat, yes; Helton, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes.

Motion passed.

Chair Sells announce the board had come to a decision.

Erin Pierce: I move the following in case 2020-1 in the matter of complaint against Vanessa McClure license number 49620. We move to revoke Ms. McClure master instructor of cosmetology license permanently but allowing the respondent to retain cosmetology license and to further direct board advisor to draft board final order, findings of fact in conclusion of law for approval and signature by the chair.

The motion was seconded by Ms. Mather.



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Voting:

Waight, yes; Avery, yes; Baldini, yes; Calliccoat, yes; Helton, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes.

Motion passed.

Chair Sells: Let the record show the vote was unanimous.

Thomas: also let record reflect that no decisions were made in executive session and nothing not contained in the agenda was discussed.

A motion was made by Mr. Helton and seconded by Ms. Pierce to adjourn the meeting.

Voting:

Waight, yes; Avery, yes; Baldini, yes; Calliccoat, yes; Helton, yes; Luther, yes; Mather, yes; Mitchell, yes; Nguyen Pham, yes; Pierce, yes.

Motion passed.

Chair Sells adjourned the meeting.