

The Oklahoma State Board of Cosmetology met on Monday, March 8, 2010 at 10:00 am at 2401 NW 23rd Street, Suite 84, Testing Center, Oklahoma City, OK 73107. The following persons were present:

BOARD MEMBERS

Loyd Saxton, Vice Chair
A. LaFaye Austin
Jerry Kelon Carter II
Bill Helton
Freda Poe
Ken Young

BOARD'S LEGAL ADVISOR

Sandra Balzer, Assistant Attorney General

BOARD STAFF

Sherry G. Lewelling, Executive Director
Jennifer McRee, Principal Assistant
Candis Ross, Administrative Assistant To The Director
Vicki Middleton, Cosmetology Inspector/Examiner
Michelle Huitt-Shook, Cosmetology Inspector/Examiner
Patricia Migliaccio, Cosmetology Inspector/Examiner
Cathy Trammel, Examiner

VISITORS

Sue Dearing
Tasha Boyle
Jennifer Spitz
Brooklyn Lane
Valerie Worlow
Raelyn Gunderson
Elyse Rogers
Olivia Garoaslo
Sara Thomas
Rachel Jobes
Amanda Harding
Jessica Sell
Aimie Haeskell
Steven Schardein
Linda Wiist
Kimberly Rodney
Craig Marley

Note: There were several other names of person that signed in on the Visitor sign in sheet but the name was not legible

CALL TO ORDER

Vice Chair Saxton called the meeting to order.
The meeting was properly posted and agenda-ized

ROLL CALL

Quorum was established with roll call. The following persons answered roll call: Saxton, Austin, Carter, Helton, Poe and Austin. (Payne, Nguyen and Webb were not present).

OPPORTUNITY FOR THE BOARD TO RECEIVE PUBLIC COMMENT – EACH SPEAKER IS LIMITED TO THREE MINUTES

A student representing Meridian Technology Center addressed the Board (name was not audible on tape). She asked the Board why foiling was not a category that was tested on the examination.

Mr. Helton stated that he a member of the Examination Committee and recently he has done some observing of the present examinations to see what changes, if any, need to be made in the examination procedures and the committee would then make a recommendation to the full Board for consideration.

Ms. Lewelling stated that the practical examination is structured to test for minimum basic skills only.

Mr. Schardein stated that he'd like to be a part of the committee and have the opportunity to provide input into examination changes.

Mr. Helton stated that he would take that into consideration and appreciated his input.

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL OF JANUARY 11, 2010 BOARD MEETING MINUTES

A motion was made by Mr. Carter and seconded by Mr. Young to approve the Board meeting minutes of January, 11, 2010.

VOTING: Austin, yes; Carter, yes; Helton, yes; Poe, yes; Young, yes.
Motion carried.

BUDGET COMMITTEE REPORT – FREDA POE, CHAIR, RE: BUDGET ADJUSTMENT TO PAY FOR AGENCY AUDIT

Ms. Poe reported that the estimated cost of the audit is \$9,000. She said the agency did not anticipate this and only budgeted \$5000 but money is available on another line item

for professional services so the Board is prepared to pay the extra cost without amending the Budget.

DIRECTOR'S REPORT – SHERRY G. LEWELLING

Ms. Lewelling provided the Board with a written report. She told of the upcoming NIC Regional Meeting that she and four Board members would be attending. She introduced Cathy Trammel who was recently hired as the Board's new part-time Examiner. She stated that she will be hiring a new Cosmetology Inspector/Examiner soon also. She told of the progress of the on-line renewal project and the impact of the felony question. She gave an update on Board applications for foreign and domestic reciprocity. She also provided an update to legislation affecting the Board which is Senate Bill 1281, CS for House Bill 3301 and House Bill 3173.

**LEGISLATIVE COMMITTEE REPORT – BILL HELTON, CHAIR –
PROGRESS OF LEGISLATION/SENATE BILL 1281**

Mr. Helton stated that the Bill has passed through two Senate Committees. He stated that Senator Anderson was the Senate author and Representative Jackson is the House author. He said he was present and attended the Senate legislative committee meeting on February 3, 2010.

**BOARD DISCUSSION AND POSSIBLE ACTION RE: CRIMINAL HISTORY
BACKGROUND QUESTIONNAIRE REVIEWS**

Mr. Carter provided a written report to the Board and stated that the Committee met on March 1st and discussed the recommendation that the Criminal History Background Questionnaire be eliminated and on the renewal applications, ask the question, have you ever been convicted of a felony within the last year, and if so, have them send a certified copy of the court order and also on initial applications, ask the question and if so, they must submit a copy of the court order if they have ever been convicted. He stated that the committee recommends that Ms. Lewelling review the information and make a decision. If she does not feel comfortable or would like the Committee's input on the decision, she can ask for committee support and possible support of the full Board.

A motion was made by Mr. Young and seconded by Ms. Poe to adopt the recommendations of the Committee as presented.

Board discussion began.

Mr. Carter explained the history of the felony question and how this process originated.

Ms. Austin stated she is concerned about the screening process and wants to make sure we are protecting the image of cosmetology. She stated that she likes the process as presented.

Page 4

Mr. Young stated that the final decision is in Sherry's hands as stated by statute. He stated that the committee has provided her with acceptable guidelines for reviewing the applications.

VOTING: Austin, yes; Carter, yes; Helton, yes; Poe, yes; Young, yes.
Motion carried.

BOARD DISCUSSION AND POSSIBLE ACTION RE: CRAIG MARLEY'S APPLICATION FOR REINSTATEMENT FROM SUSPENSION

Vice Chair Saxton asked Mr. Marley to explain why he feels the Board should reinstate his license.

Mr. Marley stated that he surrendered his license in March 2005. He said he took responsibility for his actions and decisions he made at the school he owned. He said he followed the agreement.

Mr. Carter stated that he has met the terms of the agreement.

A motion was made by Mr. Carter and seconded by Ms. Austin to allow Mr. Marley to reinstate his license.

Ms. Balzer read the terms in the Consent Order.

Board discussion began.

Mr. Carter amended his motion to allow Mr. Marley to reinstate his license with back penalties and fees effective May 8, 2010.

Ms. Austin stated that she would not second the amended motion.

Mr. Young seconded the amended motion.

Ms. Austin stated that is not her intent to punish Mr. Marley and that the intent is to be sure he is safe to practice cosmetology on the public.

Board discussion continued.

VOTING: Austin, yes; Carter, yes; Helton, no; Poe, yes; Young, yes.
Motion carried.

BOARD DISCUSSION AND POSSIBLE ACTION RE: DETERMINATION OF BOARD'S POSITION TO COMBINE BARBERS WITH COSMETOLOGY BOARD AS IN HOUSE BILL 3173

Ms. Lewelling stated that she received a call last Wednesday from Mark Nelson who is in Representative Hickman's office. She learned that the bill they are using is from a shell bill. She said her greatest concern is that they are asking for four (4) Barber Board representatives to serve on the Board and she thought that was too many. She stated that two (2) might be a more reasonable number. She stated that she learned that the inspection program may stay with the Health department and at least one (1) employee may transfer over. She stated that she spoke with officials at the Health Department and they are going to remain neutral on this issue.

Mr. Young suggested that one of the two representatives be a Barber school representative and the other be a practicing Barber.

Mr. Carter stated that he is concerned about supporting this legislation because it could lead to having to take over tattooing and body piercing and later possibly having our agency placed under a big licensing agency.

A motion was made by Mr. Young and seconded by Mr. Helton to allow Ms. Lewelling to enter into negotiations and discussion regarding this legislation to allow for two Barber representatives on the Board and for the Board to take over the Barber inspection and testing programs and collection of all Barber revenue.

Board discussion continued.

Mr. Young amended the original motion, seconded by Mr. Helton to include the original part of the motion that allows Ms. Lewelling to enter into negotiations and discussion regarding this legislation to allow for two Barber representatives on the Board and for the Board to take over the Barber inspection and testing programs and collection of all Barber revenue and add to the motion that the Chair of the legislative committee be kept informed during the entire process and not limit the discussion and negotiations to just the items mentioned previously. Also, if the need arises, inform the Chair of the Board of the possible need to call for a Special Board meeting if Board action is necessary.

VOTING: Austin, yes; Carter, yes; Helton, yes; Poe, yes; Young, yes.
Motion carried.

**NEW BUSINESS NOT KNOWN OR WHICH COULD NOT HAVE BEEN
REASONABLY FORESEEN PRIOR TO POSING OF MEETING AGENDA – 25
O.S. § (A)(9)**

No new business was heard.

BOARD MEETING ADJOURNMENT

Vice Chair Saxton declared the Board meeting to be adjourned.

Lloyd Saxton, Vice Chair

A. LaFaye Austin

Jerry Kelon Carter II

Bill Helton

Freda Poe

Ken Young