

The Oklahoma State Board of Cosmetology met at 10:00 am at 2401 NW 23rd Street, Suite 84, Oklahoma City, OK on Monday, September 13, 2010. The following persons were present:

Board Members

Jerry Kelon Carter, II, Board Chair
A LaFaye Austin
Bill Helton
Tuan A. Nguyen
Gretchen Payne
Janet Dale Webb
Ken Young

Board's Legal Advisor

Sandra Balzer, Assistant Attorney General

Board Staff

Sherry Lewelling, Executive Director
Jennifer McRee, Principal Assistant
Candis Ross, Administrative Assistant to the Director
Karen Glasco, Cosmetology Inspector/Examiner
Michelle Huitt-Shook, Cosmetology Inspector/Examiner
Patricia Migliaccio, Cosmetology Inspector/Examiner
Vicki Middleton, Cosmetology Inspector/Examiner

Visitors

Steven Schardein
Linda Wiist
Lisa Stierwalt
Pam Martin
Martin Thomas

Call To Order

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

Roll Call

Quorum was established with roll call. The following persons answered to roll call: Carter, Austin, Helton, Nguyen, Payne, Webb and Young.

Opportunity For the Board to Receive Public Comment – Each Speaker is Limited to Three Minutes

No formal requests to speak were received

Board Discussion and Possible Action Re: Approval of July 12, 2010 Board Meeting Minutes

A motion was made by Ms. Austin and seconded by Mr. Young to approve the Board meeting minutes of July 12, 2010.

Voting: Austin, yes; Helton, yes; Nguyen, yes; Payne, yes; Webb, yes; and Young, yes.
Motion carried.

Board Discussion of July 2010 and August 2010 Financial Report – Candis Ross (No action will be taken until the end of the 1st fiscal year quarter)

Ms. Ross provided members with a written report.

Director's Report – Sherry G. Lewelling

Ms. Lewelling provided members with a written report. She made general announcements including that Mr. Saxton will not be seeking reappointment to the Board, the upcoming Inspector's retreat, progress of on-line renewal and the go live date. She also gave her NIC conference report. She asked members to start thinking about future legislation and to be prepared to make decisions at the November Board meeting.

Board Discussion and Possible Action re: Approval of Leasing of State Cars for Inspectors

Ms. Austin: If nobody else has any comments, my comments are in a form of really a statement to the Inspectors, to Sherry and to this Board. To the Inspectors, I'd like to say, we hear you. You have advised your Director and we, the Board that you prefer to drive your own vehicles vs. state cars. You feel the state cars are unsafe, they are used and when mechanical problems happen, it takes a long time to get them serviced. You stated you feel like a prisoner in your state cars from Monday through Friday while in travel status. You do not have the freedom to do personal things on your own time because you cannot drive your state car for personal use when you are in travel status. Is that correct? You prefer to be reimbursed for driving your own cars and this would allow you to maintain a new and reliable car, feel safer and enjoy your work more. Am I correct in this? Sherry, you say it is a tracking system and cost effective. We also hear you. Do we have problems with our current Inspector work ethic in the field? (Ms. Lewelling responded "No M'am".) Do you and the office staff get reimbursed for driving your cars when you are on state business? (Ms. Lewelling said "I do when I travel out and take care of state business but I don't have a state vehicle. Office staff, they get mileage back and forth to the bank or if they have to go to the capital or State Finance to take care of state business.") In the future, I would like to see Jennifer's or Candis's or any other of your staff's travel, I'd like to have a report of their travel claims as well. If we want to do it monthly or quarterly but I think it would be good for the Board members to see that as well. Let me say to the Board members, let's consider what our Inspectors are telling us. I would not want anything to

happen to them in these cars even though it may cost more, we need to make our Inspectors safe and we need to keep good Inspectors. I guess I'm so heartfelt about this issue because I'm one of them, an x-Inspector. I know the Inspectors extremely well and I know some of the things that goes on in the field. Our mission is to protect the public by inspections. Let's put them in new cars or reimburse them to drive their own car. I prefer letting them drive their own car for two reasons. Let them feel safer and have freedom on their own time after work hours and maintain good Inspectors. At anytime, should Sherry find it necessary to track an Inspector because they were not doing their job, she should have that authority to place that Inspector in a state car with the tracking system and as a Board member let us continue to re-visit our state car program on a yearly basis or as deemed necessary. And Jennifer, I would like my comments quoted word-for-word for our minutes. Thank you.

Ms. Lewelling stated she'd like the Board to consider two important factors. She said there is a monetary savings to the agency created by having state vehicles. She said I've supplied you with a detailed tracking report and it shows cost differences and that state vehicles have saved the agency \$7,765.50. She said there is accountability created for the agency and the Inspector by having the state vehicle. She said we have an awesome team of Inspectors. She said this could change at any time. She said I have given Inspector's freedom when they are working out of town to let me know and I have given them approval at my discretion to use their state vehicle for personal use when something has come up. She said as far as new vehicles, we did check with DCS and they currently do not purchase new vehicles that they have 30,000 miles in their GSA program and they are recalled at 90,000 miles.

Ms. Webb stated that she thinks we should listen to the concerns of the Inspectors because they are the ones doing the traveling. She said they should have an option. She said that is my opinion.

Ms. Lewelling said I think it should be all or none whether we keep the state vehicles or not. She said everyone needs to be in the same status.

Mr. Helton stated that he supports state cars for safety. He said the cost savings is significant and important to consider. He said there were problems in the past and one bad apple has ruined it for everybody. He said we have to be accountable. He said we have to make sure this agency is run effectively and keep focused. He said I feel like it needs to be a tool at the discretion of the Director to run this agency and bring it back up if we go over budget with it or something. He said I don't think it looks good to go over there asking for money and we are not saving money.

Ms. Ross stated that when Auditors were conducting their review, they liked the tracking system we were using. She said maybe eventually everyone will have to go to state cars because they were pretty excited because we were using them now and it cut out a lot of them having to go back and retrace and track inspections and cost us more on our audit. She said the agency has already budgeted for state vehicles so if the Board votes to discontinue the use of state cars, the budget will need to be revised.

Mr. Young stated that the budget has already been approved. He said in the past, travel claims were so high. He said state vehicles are a proven cost savings. He said it makes everyone accountable especially when it has been a problem in the past. He said we've hired the Director and she should be able to manage the agency as she sees fit. He said it's her job and we should not be in there trying to make these calls. He said in the regional meeting we had a program about protocol. It happens here, it happens in every organization, it happens in a national organization where as the Board go behind the Director's back and talk directly to staff about issues. He said you are usurping authority; you are taking away the responsibility of our Director. He said when you go to a person that works here without the knowledge and approval of the Director, you've gone behind her back and you've undermined her authority and you've weakened this organization.

Ms. Huitt-Shook stated that she was told originally by Ms. Lewelling that state cars would be optional and it was when it first came up it was not in a Board meeting. She said I'm not the only one that heard it because it's been confirmed by Ms. Middleton that I was not the only one that heard that because I've said from the start that I didn't want it.

Mr. Young asked for clarification on what the Inspectors meant by the safety issue of state cars.

Ms. Migliaccio said she is on her third car. She said when I drive my car on the weekends, it's a much nicer car then the state car I drive now because it stinks, it's been smoked in. She said I'm picky about my vehicle. She said my vehicle is much safer than the car I drive because it doesn't break down because it's in better condition. She said my state vehicle has over 100,000 miles on it and now they are going to recall it and have to give me another one. She said it took them three weeks to fix my air conditioner. She said I feel much safer in my own car. She said it drives nicer, it's more comfortable because we live in our cars. She asked how would you like to live in a state car that stunk?

Ms. Huitt-Shook stated that a couple of months ago when it was over 100 degrees outside and 115 degree heat index she had a big problem. She said at 100,000 miles you are required to get service and have the state car detailed. She said I don't get the work done at Fleet Management in Oklahoma City because it takes so long. She said I get it done usually in Tulsa because I can get it done in an hour or less. She said I have to get it detailed here in Oklahoma

City because no one will detail it in Tulsa. She said she made them a list of problems and three weeks later she picked it up and repairs were not made. She said on the way to Tulsa, she had a flat tire and when she called Roadside Assistance, she was told she had to stand outside with the vehicle in 115 degree heat and wait on the tow truck. She said the heat made her sick with the migraine medicine she is on and she could not work for a few days and had to use her sick leave. She said she did not get home until 9pm that night. She said she does not feel safe in a vehicle with over 100,000 miles on it.

Mr. Helton asked did they ask you to stand by the vehicle or not to leave the vehicle?

Ms. Huitt-Shook said they told me I had to stay with the vehicle, outside with the vehicle. She said I couldn't get in the vehicle because the tow truck driver had it jacked up. She said I asked if I could go inside the store and she said no I had to stay outside with the vehicle

Mr. Young asked were you given a choice of vehicles of what you could drive?

Ms. Huitt-Shook said I told them originally that I wanted a vehicle equivalent to what I have because I am scared to death to drive cars. She said I do not like driving cars at all. She said I want an SUV.

Chair Carter asked for clarity for myself, you chose an SUV that started out at 80,000 miles?

Ms. Huitt-Shook said I didn't choose that vehicle. She said they, however went and picked them out, choose that. She said we didn't get to choose our vehicles.

Mr. Young said you did get to choose the type.

Ms. Huitt-Shook said I didn't get to choose anything.

Ms. Lewelling said because she was specific about an SUV, we were very limited on what was available and we took what was available. She said there were two.

Ms. Ross said and we took the best one of the two.

Ms. Austin said for the Board's sake I think we are under the understanding that Fleet Management irregularly maintains these cars. She said the only times they maintain them is when something goes wrong with them. She said that's when they fix it up. She said the cars that they get, other state employees have drive them hundreds of miles and then we get them. She said our concern is the Inspector's safety. She said these cars, from what we are hearing, are not reliable cars. Inspector's prefer to use their own cars because they are safer and more

reliable and they know their own cars. She said the \$7,000 that this agency has saved has come on the backs of your Inspectors. She said it is totally unfair to your Inspectors.

Ms. Middleton said my car broken down in Idabel and there is not a service station there so they had to call them out of Broken Bow to come and tow my car. She said it was just a battery. She said then they didn't fix the analog brake system and they gave me a loaner car, and that car also had a brake light problem. She said I have my car back and so far the brake light has not come on again. She said I still would rather drive my car. She said I have 50,000 miles on my personal car and 70,000 on my state van. She said I'm safer in my own car. She said I don't mind if you track me. She said I just want to be safe. She said when this all came up, I did think this was optional and it was a trial basis for one year with state cars.

Ms. Glasco stated that for safety, she had three cars in the six years she worked for state board, all her cars had over 1000,000 miles when she traded them in. She said one had 140,000 miles and it costs a lot of money to trade them in. She said there were several times, that she can think of where she was on the side of the road in her car, having to wait for someone in her family to come and get her, which cost her money. She said her air conditioner went out in her car one time in Hugo and it cost quite a bit of money. She said a car is a car and we are going to put the miles on. She said I feel much safer knowing that you know where I am. She said the time I set on the side of the road in the heat, I just took a chance to get a hold of my son who could come and get me. She said I couldn't get a hold of anyone else and it was after hours at the office.

Chair Carter said that Sherry has the ability to know every three minutes where that car is so if it's in the middle of nowhere and it's sitting still, she would know whether to alert the authorities. He said in a year we've had two circumstances. He said I don't think that's extraordinary compared to using personal vehicle or a state vehicle. He said it has saved the agency \$7,000. He said for \$75 more a month we can get newer vehicles for them. And that's only \$850 more a year. He said we've taken care of problems that have existed in the past with someone that had not reported accurately where they were and what they were doing.

Mr. Young asked if problems can be addressed with Fleet Management.

Ms. Lewelling said yes they can be.

Ms. Ross said in some incidences, Inspectors can be provided with a rental car to use through Enterprise like in Michelle's case when she is in Tulsa. She said if Vicki would have gone back into Fleet Management and told them about the brake light, they have plenty of other cars they could have put her in to drive. If they didn't, then they can tell her to go rent a car.

Mr. Nguyen stated that he understands the need for a reliable car to drive. He said if you ask to have a car repaired and it's not, don't accept it or take it until the repair is properly made.

Ms. Ross stated that some cars have over 90,000 miles and sometimes it takes awhile to come up on a list to be replaced. She said in Patricia's case, her car was damaged in a hail storm so she is driving a replacement car right now. She said a lot of cars were damaged and it's taking them awhile to get all the state cars fixed. She said their replacement cars are in working order and they have more miles on them than the others but it is still in good conditional mechanically.

Ms. Austin stated that she would like it to be looked into to see how much it would cost for a spare car so that the staff could have a car to drive around here and if Inspectors run into trouble, we would have a spare car for them.

Ms. Lewelling said I'm assuming it would be \$450 but we can look into that.

Mr. Young made a motion seconded by Ms. Austin to upgrade leased vehicles and upgrade cars with approximately 30,000 miles for all Inspectors and look into leasing a 5th car for staff use or a possible substitute car for Inspector use and that state cars be revisited when the Budget is reviewed again in March 2011.

Mr. Young asked that the Board make a directive to Ms. Lewelling that she immediately contact Fleet Management for assistance in Inspectors getting their concerns resolved regarding state cars and repairs and maintaince. No objections were heard.

VOTING: Austin, yes; Helton, yes; Nguyen, yes; Payne, yes; Web, no; and Young, yes.
Motion carried.

Mr. Young stated that he'd like a log of issues regarding state cars to be kept because what he has heard was all emotional and wants to see facts before him when the Board looks at this again to make an informed decision.

NIC Reports From Delegates Who Attended Conference

Chair Carter, Bill Helton and Gretchen Payne made a report to the Board. LaFaye Austin provided a written report.

New Business Not Known or Which Could Not Have Been Reasonably Foreseen Prior To Posting of Board Meeting Agenda – 25 O.S. § (A)(9)

No New Business was heard.

Board Meeting Adjournment

Chair Carter announced the meeting to be adjourned

Jerry Kelon Carter II, Board Chair

A LaFaye Austin

Bill Helton

Tuan A. Nguyen

Gretchen Payne

Janet Dale Webb

Ken Young

