

The Oklahoma State Board of Cosmetology met on September 14, 2009 at 10:00 am at 2401 NW 23rd Street, Suite 84 in the Testing Center, Oklahoma City, OK 73107. The following persons were present:

BOARD MEMBERS

Loyd Saxton, Vice Chair
Jerry Kelon Carter II
Bill Helton
Freda Poe
Janet Dale Webb
Ken Young

BOARD'S LEGAL COUNSEL

Sandra Balzer, Assistant Attorney General

BOARD STAFF

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

VISITORS

Doris Wagener
Jan McNaughton
Matthew Smith
Linda Wiist
Karen Glasco

CALL TO ORDER

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

ROLL CALL

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

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

No one requested to speak

**BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL OF JULY 13,
2009 BOARD MEETING MINUTES**

A motion was made by Ms. Poe and seconded by Mr. Carter to approve the Board meeting minutes of July 13, 2009.

DIRECTOR'S REPORT – SHERRY LEWELLING

Ms. Lewelling provided a written report to the members of the Board. She told of upcoming events. She also told of the research she had done regarding Salon Laser. She informed the Board of possible future legislation for a one-stop shop for all Oklahoma licensing agencies and the progress on the agency's on-line renewal process. She stated that Inspectors were in their state vehicles and she has received AVL training to pull reports on these vehicles on a regular basis for tracking purposes. She also told about the agency's project to obtain all affidavits for licensees as required by law.

Vice Chair Saxton stated he would like to hear from the Inspectors at the next meeting to know if Inspectors were enjoying their cars or if they were having issues or problems.

BOARD DISCUSSION AND POSSIBLE ACTION RE: SALON LASERS – KEN YOUNG

Mr. Young stated that he has no problem approving this device but does not see how the Board can with present rules. He stated this involves lasers for hair stimulation that appears to be harmless. He stated that a rule changed would be required to do this.

Mr. Young made a motion seconded by Ms. Poe to table this item until the November Board meeting and requested that the Vice Chair form a committee to study this more.

Vice Chair Saxton appointed Mr. Young Chair of this study committee with Mr. Carter and Ms. Poe as members.

VOTING: Carter, yes; Helton, yes; Poe, yes; Webb, yes; and Young, yes.
Motion passed.

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL OF FY2009 ANNUAL REPORT

A motion was made by Mr. Carter and seconded by Mr. Young to approve the FY2009 Annual Report.

Mr. Helton stated that he would like to see a 3 year comparison and not just a 2 year comparison of information in the report.

VOTING: Carter, yes; Helton, yes; Poe, yes; Webb, yes; and Young, yes.
Motion passed.

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BOARD COMMITTEE REPORT – FINE ASSESSMENT - KEN YOUNG

Mr. Young stated he has no problem with the first part of the document to fine individuals with no license or expired license or employment of persons with no license or expired license but he does have concerns regarding the information regarding fines for sanitation because there will be opposition to the sanitation fines and it will kill the other part of the bill. He said he suggests that the Board do “A” first (unlicensed or expired licensees) and then consider new legislation for “B” the sanitation.

Mr. Helton stated that he believes there needs to be more definition regarding the operator’s responsibility and less responsibility on the salon owner.

Mr. Carter suggested a booth renters license.

Mr. Helton agreed.

Ms. Balzer stated that the Board needs to first have the legislative authority to assess fines and then can develop specifics by rule. She stated this is a two step process.

Mr. Carter stated that a booth rental licensee is needed to put that responsibility and accountability on the operator but that an exam fee increase legislation is more important than fine assessment right now.

Board discussion continued.

Vice Chair Saxton formed a committee named to further study Fine Assessment and Booth Rental licensing composed of the following persons: Helton, Chair; Saxton, Carter and Webb. Ms. Balzer agreed to meet with the committee.

The Board agreed that the committee would bring their report to the full Board in November.

BOARD DISCUSSION AND POSSIBLE ACTION TO INTRODUCE LEGISLATION FOR FINE ASSESSMENT – SPECIFIC STATUTORY LANGUAGE TO BE CONSIDERED – SANDRA BALZER, ASSISTANT ATTORNEY GENERAL

Ms. Balzer stated that she shared her information in the last agenda item but she was prepared to share information from other Board’s at the committee meeting.

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL TO INTRODUCE LEGISLATION TO RAISE EXAMINATION FEES – SHERRY G. LEWELLING, EXECUTIVE DIRECTOR

Ms. Lewelling provided the Board with a written report that told about the need for increasing the \$15 examination fee. In her report she explained in detail that the Board is losing \$100,753.00 a year in order to conduct exams. She also shared information regarding what other states are charging for their examination fees.

After much Board discussion, Mr. Young made a motion, seconded by Ms. Webb that private and public schools be sent information to show the need for an increase, including the comparison of what other states charge and state that the Board is considering proposing by legislation a minimum of \$20 and a maximum of \$50 in student registration fees and a minimum of \$50 and a maximum of \$120 in exam fees. Also to survey them and request the school's opinion on what the minimum and maximum should be if they disagree and give them fifteen (15) days to respond to the survey. It was requested that the survey results be presented to the full Board at the November Board meeting.

VOTING: Carter, yes; Helton, yes; Poe, yes; Webb, yes; and Young, yes.
Motion passed.

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL FOR SHERRY G. LEWELLING, DIRECTOR TO ATTEND NACCAS CONFERENCE, DECEMBER 11-14, 2009, LAS VEGAS, NEVADA

Ms. Webb made a motion, seconded by Mr. Helton to approve Ms. Lewelling to attend the NACCAS workshop December 11-14, 2009 in Las Vegas, Nevada.

Mr. Young stated that he felt it was very important that Ms. Lewelling attend this workshop and learn about this accrediting commission and that for \$69 per night hotel and about \$200 for airfare, it would be a crime not to approve her to attend. He also stated that Ms. McRee should attend also.

Ms. McRee stated that the December date was a problem for her but she'd like the opportunity to attend another time.

VOTING: Carter, yes; Helton, yes; Poe, yes; Webb, yes; and Young, yes.
Motion passed.

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

No new business was heard.

BOARD MEETING ADJOURNMENT

Vice Chair Saxton announced the meeting to be adjourned.

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Loyd Saxton, Vice Chair

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Bill Helton

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