

The Oklahoma State Board of Cosmetology and Barbering met at 10:00 a.m. for a Special Board Meeting on Monday, December 7, 2015 at 2401 NW 23rd Street, Suite 84 in the Testing Center, Oklahoma City, OK 73107. The following persons were present:

BOARD MEMBERS

Ken Young, Board Chair
Anthony Baldini, Vice Chair
LaFaye Austin
Diana Fisher
Christy Mather
Gretchen Payne
Max Thomas
Janet Dale Webb

BOARD'S LEGAL ADVISOR

Grant Moak, Assistant Attorney General
Tiffany Wythe, Assistant Attorney General

BOARD STAFF

Sherry G. Lewelling, Executive Director
Jennifer McRee, Principal Assistant
Krissy Miller, Inspector
Elaine Klemme, Inspector
Donnie Allen, Inspector
Willis Berry, Inspector

VISITORS

Cam H. Ly
Le Kim
Giang Pham
(other names on the Sign—in Sheet were difficult to read)

CALL TO ORDER

Chair Young called the meeting to order. He confirmed with Ms. McRee that the meeting agenda had been posted and agenda-ized.

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ROLL CALL

The following persons answered roll call: Young, Baldini, Austin, Fisher, Mather, Payne, Thomas and Webb. Bennett, Graham and Helton were not present.

PUBLIC COMMENT – OPPORTUNITY FOR THE BOARD TO RECEIVE PUBLIC COMMENT – EACH SPEAKER IS LIMITED TO THREE MINUTES> COMMENTS MUST BE RELATED TO ITEMS LISTED ON THE AGENDA

No comments were heard.

BOARD DISCUSSION AND POSSIBLE ACTION TO APPROVE 2016 LEGISLATION

A motion was made by Ms. Fisher and seconded by Mr. Baldini to approve the legislation as submitted but amend the definition of credit hour to read “Credit Hour” means a 30 clock hour to every 1 credit hour conversion of student instruction and in 199.7 L (1) delete “as recognized by the United States Department of Education or as recognized by a national accreditation entity prescribed by the Board in a school in this state” and add the word or.

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, yes; Payne, yes; Thomas, yes; Webb, yes.
Motion passed.

BOARD DISCUSSION AND POSSIBLE ACTION TO APPROVE SHERRY LEWELLING TO BE ISSUED AN AGENCY/STATE PURCHASE CARD

A motion was made by Mr. Thomas and seconded by Ms. Austin to approve hat Ms. Lewelling be issued an Agency/State Purchase Card

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, yes; Payne, yes; Thomas, yes; Webb, yes.
Motion passed.

Hearings

In each case listed below, the Board may vote to enter into Executive Session pursuant to 25 O.S. § 307(B)(8).

Case No. 2015-021

In the Matter of the Complaint Against Giang T Phan #139715

Case No. 2015-023

In the Matter of the Complaint Against Huong Thi Mong Nguyen #139765

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Case No. 2015-024

In the Matter of the Complaint Against Ba T. Vo #139823

Case No. 2015-040

In the Matter of the Complaint Against Le T. Kim #156445

Case No. 2015-043

In the Matter of the Complaint Against Linh T. Nguyen #162614

Possible vote to enter Open Session

Discussion and Possible Action on Matters discussed in Executive Session

Ken Young, Chair swore in all witness, including Sherry G. Lewelling, Executive Director and all Respondents.

Grant Moak, Assistant Attorney General, presented **Case #2015-043 – Linh T. Nguyen #162614**

Tiffany Wythe, Assistant Attorney General served as legal advisor to the Board.

Board members present: Young, Baldini, Austin, Fisher, Mather, Payne, Thomas, Webb

A motion was made by Ms. Webb and seconded by Ms. Austin to adjourn regular session and enter into Executive Session to deliberate on Case #2015-43.

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, yes; Payne, yes; Thomas, yes; Webb, yes.

Motion passed.

The Board deliberated in Executive Session.

A motion was made by Mr. Baldini and seconded by Ms. Austin to adjourn Executive Session and return to regular session.

A motion was made by Ms. Webb and seconded by Ms. Austin to 1) adopt the findings of fact and conclusions of law as stated in the formal complaint with the exception of paragraphs 6

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and 9, 2) find that the Respondent committed constructive fraud because Respondent had a legal and equitable duty to know the requirements for licensure and the Respondent's negligence caused the Board to issue a license for which Respondent was not qualified, and 3) revoke Respondent's facialist license.

Pursuant to Executive Order 2015-33, the Board's order will not be effective until it has been reviewed and approved by the Oklahoma Attorney General.

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, yes; Payne, yes; Thomas, yes; Webb, yes.
Motion passed.

Grant Moak, Assistant Attorney General, presented **Case #2015-021-Giang T. Phan #139715**

Tiffany Wythe, Assistant Attorney General served as legal advisor to the Board.

Board members present: Young, Baldini, Austin, Fisher, Mather, Payne, Thomas, Webb

A motion was made by Mr. Baldini and seconded by Ms. Mather to 1) adopt the findings of fact and conclusions of law as stated in the formal complaint with the exception of paragraphs 6 and 9, 2) find that the Respondent committed constructive fraud because Respondent had a legal and equitable duty to know the requirements for licensure and the Respondent's negligence caused the Board to issue a license for which Respondent was not qualified, and 3) revoke Respondent's license.

Pursuant to Executive Order 2015-33, the Board's order will not be effective until it has been reviewed and approved by the Oklahoma Attorney General.

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, yes; Payne, yes; Thomas, yes; Webb, yes.
Motion passed.

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Grant Moak, Assistant Attorney General, presented **Case #2015-023-Huong Thi Mong Nguyen #139765**

Tiffany Wythe, Assistant Attorney General served as legal advisor to the Board.

Board members present: Young, Baldini, Austin, Fisher, Payne, Thomas and Webb. (Mather recused herself)

A motion was made by Mr. Baldini and seconded by Ms. Webb to 1) adopt the findings of fact and conclusions of law as stated in the formal complaint with the exception of paragraphs 6 and 9, 2) find that the Respondent committed constructive fraud because Respondent had a legal and equitable duty to know the requirements for licensure and the Respondent's negligence caused the Board to issue a license for which Respondent was not qualified, and 3) revoke Respondent's license.

Ms. Payne stated she would like the Board to consider hearing all cases and entering in to Executive Session to deliberate.

Mr. Baldini rescinded his motion and Ms. Webb agreed to rescind her second to the motion.

Grant Moak, Assistant Attorney General, presented **Case #2015-024-Ba T. Vo #139823**

Tiffany Wythe, Assistant Attorney General served as legal advisor to the Board.

Board Members present: Young, Baldini, Austin, Fisher, Mather, Payne, Thomas, Webb

Grant Moak, Assistant Attorney General, presented **Case #2015-040-Le T. Kim #156445**

Tiffany Wythe, Assistant Attorney General served as legal advisor to the Board.

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Board members present: young, Baldini, Austin, Fisher, Mather, Payne and Thomas. (Webb recused herself).

A motion was made by Ms. Payne and seconded by Ms. Fisher to adjourn regular session and to into Executive Session.

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, yes; Payne, yes; Thomas, yes.

Motion passed.

The Board deliberated in Executive Session. Mather did not participate in discussion regarding Case #2015-023 and Ms. Webb did not participate in discussion regarding Case #2015-040.

A motion was made by Ms. Fisher and seconded by Ms. Webb to adjourn Executive Session and return to regular session.

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, yes; Payne, yes; Thomas, yes Webb, yes

Motion passed.

Case #2015-023 – Huong Thi Mong Nguyen #139765

A motion was made by Mr. Baldini and seconded by Ms. Webb to 1) adopt the findings of fact and conclusions of law as stated in the formal complaint with the exception of paragraphs 6 and 9, 2) find that the Respondent committed constructive fraud because Respondent had a legal and equitable duty to know the requirements for licensure and the Respondent's negligence caused the Board to issue a license for which Respondent was not qualified, and 3) revoke Respondent's license.

Pursuant to Executive Order 2015-33, the Board's order will not be effective until it has been reviewed and approved by the Oklahoma Attorney General.

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, recused from vote; Payne, yes; Thomas, yes Webb, yes

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Motion passed.

Case #2015-24-Ba T. Vo #139823

A motion was made by Mr. Baldini and seconded by Ms. Webb to 1) adopt the findings of fact and conclusions of law as stated in the formal complaint with the exception of paragraphs 6 and 9, 2) find that the Respondent committed constructive fraud because Respondent had a legal and equitable duty to know the requirements for licensure and the Respondent's negligence caused the Board to issue a license for which Respondent was not qualified, and 3) revoke Respondent's license.

Pursuant to Executive Order 2015-33, the Board's order will not be effective until it has been reviewed and approved by the Oklahoma Attorney General.

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, yes; Payne, yes; Thomas, yes Webb, yes
Motion passed.

Case #2015-40-Le T. Kim #156445

A motion was made by Mr. Baldini and seconded by Ms. Austin to 1) adopt the findings of fact and conclusions of law as stated in the formal complaint with the exception of paragraphs 6 and 9, 2) find that the Respondent committed constructive fraud because Respondent had a legal and equitable duty to know the requirements for licensure and the Respondent's negligence caused the Board to issue a license for which Respondent was not qualified, and 3) revoke Respondent's license.

Pursuant to Executive Order 2015-33, the Board's order will not be effective until it has been reviewed and approved by the Oklahoma Attorney General.

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, yes; Payne, yes; Thomas, yes Webb, recused from vote.

Motion passed.

**PERFORMANCE APPROVAL COMMITTEE REPORT – REPORT FROM NOVEMBER 9, 2015
COMMITTEE MEETING – JANET DALE WEBB, COMMITTEE**

Ms. Webb reported that the Committee conducted the PMP of the Executive Director November 9, 2015.

DISCUSSION AND POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

**PERFORMANCE EVALUATION AND DISCUSSION AND BOARD ACTION TO APPROVE OR
DISAPPROVAL SALARY INCREASE OF EXECUTIVE DIRECTOR, SHERRY G. LEWELLING,
PROPOSED EXECUTIVE SESSION FOR DISCUSSION OF THE ABOVE PURSUANT TO 25 O.S. § 307**

(B)(1)

A motion was made by Ms. Fisher and seconded by Ms. Austin to adjourn regular session and enter into Executive Session to discuss this agenda item.

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, yes; Payne, yes; Thomas, yes Webb, yes.

Motion passed.

The Board deliberated in Executive Session.

A motion was made by Ms. Fisher and seconded by Ms. Payne to adjourn Executive Session and return to regular session.

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, yes; Payne, yes; Thomas, yes Webb, yes.

Motion passed.

A motion was made by Mr. Thomas and seconded by Ms. Webb to table this agenda item until such time as the Freeze is lifted on salary increases and this one can be considered along with salary increases for other agency employees.

VOTING: Baldini, Austin, yes; Fisher, yes; Mather, yes; Payne, yes; Thomas, yes Webb, yes.

Motion passed.

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

No new business was heard.

Board Adjournment

Board meeting was adjourned

Ken Young, Board Chair

Anthony Baldini, Vice Chair

LaFaye Austin

Dianna Fisher

Christy Mather

Gretchen Payne

Max Thomas

Janet Dale Webb