



OKLAHOMA STATE BOARD OF COSMETOLOGY AND BARBERING

BOARD MEETING AGENDA

July 12, 2021

10:03 a.m.

2401 N W 23rd, Suite 84

Oklahoma City, Ok. 73107

Jeff Sells, Chair - Presiding

1. Call to order

Chair Sells called the meeting to order.

2. Roll call

A quorum was established with roll call. The following members were present.

Jeff Sells, Chair

Bruce Waight, Sr. Vice Chair

Peggy Avery

Bill Helton

Christy Mather

Thao Nguyen Pham

Erin Pierce

Note: Board members Anthony Baldini, Machele Callicoat, Christie Luther, and Greg Mitchell were not present on this day.

Board Legal counsel

Jenny Dickson , Ashton Poarch, Thomas Schneider

Board Staff

Sherry Lewelling, Executive Director

John Funderburk, Principal Assistant

Janelle Hastings, Administrative Assistant

LauriAnn Gillette, Inspector Coordinator

Caroline Hagberg, Inspector/Examiner

Asrar Johnson, Inspector/Examiner

Holli Rowden, Inspector/Examiner

Elaine Klemme, Inspector/Examiner

Camisha Green, Student Registrar

Visitors

Krissy Miller, Laura Grisso, Randy Le, Duyen Ho, Linda Wiist, Buffy Layman, Brandy Bahm,



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3. This regularly scheduled meeting of the Oklahoma Cosmetology and Barbering Board has been convened in accordance with the Oklahoma Open Meeting Act.

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

4. Discussion and Possible Action to Approve or Disapprove Board Meeting Minutes from May 10, 2021 and June 21, 2021

A motion was made by Mr. Helton and seconded by Ms. Pierce to approve Board Meeting Minutes from May 10, 2021 and June 21, 2021.

Voting:

Bruce Waight, Sr. Vice Chair, yes; Peggy Avery, yes; Bill Helton, yes; Christy Mather, yes; Thao Nguyen Pham, yes;
Erin Pierce, yes.

Motion passed.

5. Discussion and possible action to approve or disapprove budget report (May 1, 2021 to June 30, 2021) – Brandy Bahm, OMES, Agency Business Services

A motion was made by Mr. Helton and seconded by Ms. Nguyen Pham to approve budget report (May 1, 2021 to June 30, 2021)

Voting:

Bruce Waight, Sr. Vice Chair, yes; Peggy Avery, yes; Bill Helton, yes; Christy Mather, yes; Thao Nguyen Pham, yes;
Erin Pierce, yes.

Motion passed.



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6. Possible consideration of a motion and vote to enter into Executive Session, pursuant to 25 O.S. § 307(B)(8) for the Board to engage in deliberations or render a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act.
 - i. Possible motion and vote to enter Executive Session regarding individual proceedings for the following citations:
 - Citation number 00002 Nail Care of Edmond Owner – Phuong-Dung Thi Truong;
 - Citation Number 00003 Anh-Tuyet Truong Lam;
 - Citation number 00004 Jacklyn Nguyen;
 - *Citation Number 00005 LD Armour Nails & Spa Owner – Randy Le
 - *Citation Number 00006 Duyen T. Ho
 - Citation Number 00008 Thinh Nguyen Do
 - Citation Number 00102 My Nail & Spa Owner – Mytien E N Pham
 - Citation Number 00107 The Official Barber Lounge LLC Owner – Jesse Mindieta
 - Citation Number 00108 Arissa Vasquez
 - Citation Number 00109 Estetica Unisex Ana Owner – Ana Lucila Rodriguez Hernandez

The Board remained in open session during this item.

Only two individuals, Randy Le, owner of LD Armour Nails and Spa and Duyen T. Ho, appeared before the Board to contest their citations. Mr. Le and Ms. Ho were both sworn in, as was Asrar Johnson Inspector and Board member Thao Nguyen Pham, who acted as interpreter.

Mr. Le stated that Ms. Ho was not working in the salon at the time, she was sitting and napping in a pedi chair, she has a license in TX but when asked by inspector if she was working, due to her limited English, did not understand the question and she told the inspector that she was working.

Jenny asked if Ms. Ho had begun the process to transfer her license from Texas to Oklahoma, Me. Le answered that yes she had bought a money order. Ms. Dickson then asked Ms. Ho if she remembered when Inspector came into shop and Ms. Ho answered yes, when asked what she was doing at that time, she answered she was sitting in a pedi chair,

Jenny asked Ms. Johnson if she witnessed Duyen working or if she based her inspection upon her verbal response. Ms. Johnson introduced herself and stated that she walks in a salon she introduced herself and walks thru the salon, noting if employees are with a client, and that if she writes up someone in a report, it is because that individual was observed doing something such as working on a client. Jenny asked Ms. Johnson if on 5.5.21 did she go to LD Armour nail and spa, Ms. Johnson answered yes. She did not remember the actual inspection of the shop as it has been over two months and she's been in a lot of salons since then.



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Ms. Dickson asked Ms. Johnson is she ever issued a citation to anyone for just sitting in a chair, Ms. Johnson answered, no she had not.

Mr. Helton asked Mr. Le is Ms. Ho was helping a client

Ms. Dickson asked Ms. Ho if she remembered when inspector came into shop, Ms. Ho answered yes. When asked what she was doing at that time, she answered sitting in a manicure chair, but didn't have a client. When asked what her job was in the salon she answered she cleans up, picks out color for clients, changes liner in pedicure bowls. She did not practice in Texas even though she has a license to practice. She has been licensed in Texas since October 2020. She began the reciprocity application process in June, after the citation was issued in May.

7. Discussion and possible action regarding individual proceedings for citations as listed in 6(i), above, which may include matters discussed in Executive Session.

A motion was made by Mr. Helton and seconded by Ms. Avery to uphold the citation as written.

Voting:

Bruce Waight, Sr. Vice Chair, yes; Peggy Avery, yes; Bill Helton, yes; Christy Mather, no; Thao Nguyen Pham, no; Erin Pierce, no; Jeff Sells, yes. (chair voted as tiebreaker)

Motion passed 4-3.

8. Director's report and possible discussion— Sherry G. Lewelling

Inspections

Emergency Rules

Ms. Lewelling announced that Mr. Helton would not seek re-appointment to the Board and we will be honoring him after the meeting and the public is invited to attend.

Ms. Lewelling reported there were 584 inspections during May and June 2021, with 158 attempted inspections, 58 initial inspections, 11 followups, 46 salon closures, 8 school inspections, 35 apprentice inspections, and 4 investigations. Hotel costs were \$3,776.5 and per diem costs were \$5,341.19. Ms. Lewelling also provided individual break downs of each inspector.



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9. Massage Therapy Report – Laura Grisso

Ms. Grisso reported that the MTAB met on June 17, 2021, a regularly scheduled meeting and made plans for the fall, setting up legislative committee earlier than usual, they discussed the issue of some massage therapists who did not renew their license within their one year deadline, due to the pandemic. An emergency rule was signed by the governor in late June that will allow those massage therapists to renew, she explained that when a massage therapist license expires they have one year to renew and if they do not do so then they have to start all over, which would not be possible for those who grandfathered in the early months of the process. The board sent out 2,157 letters last Friday advising licensees of this opportunity.

Mr. Sells mentioned that he had had a conversation with Representative Forest Bennett and he is willing to carry our bill.

10. Website Committee Report – Jeff Sells

Mr. Sells said the website committee met last week on July 6, 2021 and went over the new website, he is really happy with the way it is structured, it is flexible enough to give us what we want to achieve, there are multiple places to find forms and other information. We hope to have it up and running soon, we want to be consistent and correct.

11. Discussion and possible action on renewing legal counsel contract with the Oklahoma Attorney General for FY 22.

It was announced that Jenny Dickson would be replaced by Ashton Poarch.

A motion was made by Ms. Mather and seconded by Mr. Helton to renew legal counsel contract with the Oklahoma Attorney General for FY 22.

Voting:

Bruce Waight, Sr. Vice Chair, yes; Peggy Avery, yes; Bill Helton, yes; Christy Mather, yes; Thao Nguyen Pham, yes; Erin Pierce, yes.

Motion passed



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12. Discussion and possible action on reviewing and/or modifying the list of disqualifying crimes in rule 175:10-1-3 of the Oklahoma Administrative Code, pursuant to 59 O.S. § 4000.1

Those crimes that could prevent licensure in Oklahoma, we review this on an annual basis and vote. Those crimes must be substantially related to the practice of cosmetology AND pose a reasonable threat to the safety of the public anyone who has one of these on their record has to apply to the agency director for approval to be licensed.

A motion was made by Mr. Helton and seconded by Mr. Waight to approve the current list of disqualifying crimes under current stance for now and review and make modifications at a later date and for Massage Therapy keep massage therapy list and add 593.

Voting:

Bruce Waight, Sr. Vice Chair, yes; Peggy Avery, yes; Bill Helton, yes; Christy Mather, yes; Thao Nguyen Pham, yes; Erin Pierce, yes.

Motion passed

****Chair Sells announced a five minute break from 11.48 am to 11.58 am****

13. Discussion and possible action to establish a specialty license for threading technicians.

A motion was made by Ms. Mather and seconded by Mr. Helton to begin the process of creating a threading technician certificate.

Voting:

Bruce Waight, Sr. Vice Chair, yes; Peggy Avery, yes; Bill Helton, yes; Christy Mather, yes; Thao Nguyen Pham, yes; Erin Pierce, yes.

Motion passed.



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14. Discussion and possible action to elect officers.

A motion was made by Ms. Avery and seconded by Ms. Mather to nominate Jeff Sells for chair.

Voting:

Bruce Waight, Sr. Vice Chair, yes; Peggy Avery, yes; Bill Helton, yes; Christy Mather, yes; Thao Nguyen Pham, yes; Erin Pierce, yes.

Motion passed.

Two candidates, Mr. Waight and Ms. Mather volunteered as vice chair.

A motion was made by Mr. Helton and seconded by Mr. Waight to vote for vice chair.

Voting:

Bruce Waight, Sr. Vice Chair, Mr. Waight
Peggy Avery, Mr. Waight
Bill Helton Mr. Waight
Christy Mather, Ms. Mather
Thao Nguyen Pham abstained
Erin Pierce Mr. Waight

Motion passed. Mr. Waight Sr. was re elected as Vice Chair. 4 to 1.

Chair Sells announced there were four board member positions up for re-appointment, those are Mr. Sells, Mr. Baldini, Mr. Waight and Mr. Helton who already declined to seek re-appointment. Each member will serve until re-appointed or replaced.



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15. Discussion and possible action on sending board members to National Association of Barber Boards of America (NABBA) September 19th – 23rd, 2021 Washington, DC. A motion was made by Mr. Helton and seconded by Ms. Avery to send Mr. Sells, Mr. Waight, Ms. Luther and Ms. Lewelling to National Association of Barber Boards of America (NABBA) September 19th – 23rd, 2021 Washington, DC

Voting:

Bruce Waight, Sr. Vice Chair, yes; Peggy Avery, yes; Bill Helton, yes; Christy Mather, yes; Thao Nguyen Pham, yes; Erin Pierce, yes.

Motion passed.

16. Recognition of departing board member, Bill Helton.

Mr. Helton was recognized for his many years of service and contribution both on a state and national level and presented with a special gift. Mr. Helton expressed his gratitude for everything he experienced and the people he met.

Ms. Lewelling presented him with a golden plaque for his twelve years of service and Mr. Sells presented a Governor's commendation.



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17. Public comment- Opportunity for the board to receive public comments. Each speaker is limited to three minutes. Comments must be related to items listed on the agenda.

No public comments were heard.

18. New business which could not have been reasonably foreseen prior to posting of meeting agenda 25 O.S.§.311 (A)(10).

No new business was heard.

19. Board adjournment

Chair Sells adjourned the meeting.

Jeff Sells, Chair _____
Bruce Waight, Sr. Vice Chair _____
Peggy Avery _____
Bill Helton _____
Christy Mather _____
Thao Nguyen Pham _____
Erin Pierce _____