

The Oklahoma State Board of Cosmetology met at 10:00 am on Monday, January 11, 2010 at 2401 NW 23<sup>rd</sup> Street, Suite 84 in the Testing Center, Oklahoma City, OK 73107. The following persons were present:

**BOARD MEMBERS**

Loyd Saxton, Vice Chair  
A. LaFaye Austin  
Kelton Carter  
Bill Helton  
Tuan A. Nguyen  
Janet Dale Webb  
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  
Patricia Migliaccio, Cosmetology Inspector  
Kimberly Rodney, Cosmetology Inspector  
Michelle Huitt-Shook, Cosmetology Inspector  
Vicki Middleton, Cosmetology Inspector

**VISITORS**

Karen Glasco  
Linda Wiist  
Dana Unsell  
Doan Davis  
Steve Schardein  
Christen Brummett

**CALL TO ORDER**

Vice Chair Saxton called the meeting to order.

The Board meeting agenda had been properly posted and agenda-ized

**ROLL CALL**

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

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

Vice Chair Saxton called for public comment. None was heard.

**BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL OF NOVEMBER 9, 2009 BOARD MEETING MINUTES**

A motion was made by Mr. Young and seconded by Mr. Helton to approve the Board meeting minutes of November 9, 2009.

VOTING: Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Webb, yes; Young, yes. Motion passed.

**BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL OF FY2010 2<sup>nd</sup> QUARTER FINANCIAL STATEMENT**

Ms. Ross stated that the Attorney General had requested that she provide a report when this is on an agenda and also provide the report in an new format that is simpler and easier to read. She said this will be available when the agency has new computers and she has training. She stated that the Board will need to vote on the CORE report.

Ms. Austin made a motion, seconded by Mr. Helton to approve the FY2010 2<sup>nd</sup> quarter financial statement.

Mr. Young stated that the information provided includes July 2009 to present and that is not just the 2<sup>nd</sup> quarter.

Ms. Austin amended her motion, seconded by Mr. Helton to approve the FY 2010 1<sup>st</sup> and 2<sup>nd</sup> quarter financial statement.

VOTING: Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Webb, yes; Young, yes. Motion passed.

**DIRECTOR'S REPORT – SHERRY G. LEWELLING, EXECUTIVE DIRECTOR**

- a. 75<sup>th</sup> Anniversary
- b. Student Appreciation Day
- c. Visit From Barber Board
- d. Felony Tracking Project
- e. NACCAS Workshop
- f. On-line Renewal Project
- g. Senate Bill 1281

Ms. Lewelling provided the Board with a written report.

Mr. Carter suggested that some changes be made to the Criminal Background Questionnaire which included requiring applicants to state the follow-up steps they have demonstrated and programs participated in towards their rehabilitation and to include documentation.

Mr. Young stated he understands the intent to track the convicted felons, but to him, by requiring the Criminal Background Questionnaire, and perhaps denying a license, the Board is taking on a project with a negative tone.

Mr. Helton stated he is concerned that decisions are made at the Director's discretion perhaps there needs to be some stated criteria when a decision is made or a Board Committee formed to review each application.

Note: This was discussion only and not an agenda item for action on this agenda.

**BOARD DISCUSSION AND POSSIBLE ACTION TO AMEND BUDGET TO ALLOW FOR SALARY INCREASE FOR EXECUTIVE DIRECTOR**

A motion was made by Mr. Young and seconded by Mr. Helton to amend the Budget to allow for salary increase for the Executive Director.

VOTING: Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Webb, yes; Young, yes.  
Motion passed.

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

Mr. Helton stated that the Committee met at 9:00 am prior to the meeting. He explained that when the Bill was given to the bill author, Senator Anderson recommended a set amount rather than a sliding scale as the Board previously approved when the Bill was drafted.

Ms. Lewelling explained that she was pressured to make a decision regarding the definite dollar amounts but that Ms. Balzer explained that the Board had time to vote to change the amounts at this meeting.

**BOARD DISCUSSION AND POSSIBLE ACTION RE: AMENDING REGISTRATION/EXAM FEES IN BOARD LEGISLATIVE BILL**

Ms. Web made a motion, seconded by Mr. Carter to approve the dollar amounts as presented in Senate Bill 1281.

VOTING: Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Webb, yes; Young, yes.  
Motion passed.

**BOARD DISCUSSION RE: STATE BOARD WRITTEN EXAMINATIONS – BILL HELTON**

Mr. Helton stated he is interested in knowing if there are any other testing companies that the Board might wish to consider using.

Ms. Ausitn stated that CBT (computer based testing) is offered by other companies and they should be invited to provide a presentation to the Board for consideration.

Mr. Young stated he felt the Board should get something in writing from each provider first and then decide who should make a presentation and who the Board wants to talk to.

Mr. Helton stated he is interested in knowing which companies also give the practical examination.

Ms. Lewelling agreed to start researching the options for the Board to consider.

**BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL TO DELEGATES TO ATTEND NIC REGIONAL MEETING – MARCH 20<sup>th</sup> and 21<sup>st</sup>, 2010 AT SOUTH POINT HOTEL, CASINO AND SPA, LAS VEGAS, NEVADA**

Mr. Helton, Mr. Young and Ms. Lewelling stated their interest in attending.

A motion was made by Mr. Helton and seconded by Ms. Austin to approve the travel and expenses for interested delegates to attend the NIC Regional meeting, March 20<sup>th</sup> and 21<sup>st</sup>, 2010 at South Point Hotel, Casino and Spa in Las Vegas, Nevada.

VOTING: Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Webb, yes; Young, yes.  
Motion passed.

**BOARD DISCUSSION AND POSSIBLE ACTION ON CRAIG MARLEY'S APPLICATION FOR REINSTATEMENT FROM SUSPENSION**

Ms. Lewelling explained that Mr. Marley had contacted her requesting the Board consider reinstating his suspended cosmetology license. She provided the Board with the history regarding the matter explaining hat the Board agreed to a Consent Order April 2005 and signed in May 2005 that his cosmetology license be suspended for five years.

Ms. Balzer explained that the decision to reinstate his license was in with sound discretion of the Board. She also explained that Consent Order has already provided the punishment and the Board would need to determine if he is competent to practice cosmetology if the Board reinstated the cosmetology license.

Board discussion began.

Mr. Carter made a motion, seconded by Mr. Young that this agenda item be tabled until the March Board meeting and that Mr. Marley be sent a certified letter requesting his appearance at the March Board meeting for him to state his competency to hold a cosmetology license and practice cosmetology.

VOTING: Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Webb, yes; Young, yes.

Motion passed.

**NEW BUSINESS NOT KNOWN OR WHICH COULD NOT HAVE BEEN  
REASONABLE FORESEEN PRIOR TO POSTING OF MEETING AGENDA – 25  
O.S. § 311 (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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A. LaFaye Austin

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Jerry Kelon Carter II

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Bill Helton

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Tuan A. Nguyen

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Janet Dale Webb

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Ken Young