

The Oklahoma State Board of Cosmetology met at 10:00 am on Monday, November 9, 2009 at 2401 NW 23rd Street, Suite 84 in the Testing Center, Oklahoma City, OK 73107. The following persons were present:

BOARD MEMBERS

Gretchen Payne, Chair
Loyd Saxton, Vice Chair
A. Lafaye Austin
Jerry Kelon Carter II
Bill Helton
Tony Nguyen
Freda Poe
Dale Webb

BOARD'S LEGAL COUNSEL

Sandra Balzer, Assistant Attorney General

BOARD STAFF

Sherry G. Lewelling, Executive Director
Jennifer McRee, Principal Assistant
Candis Ross, Administrative Assistant To the Director
Michelle Huitt-Shook, Cosmetology Inspector/Examiner
Vicki Middleton, Cosmetology Inspector/Examiner
Kimberly Rooney, Cosmetology Inspector/Examiner
Patricia Migliaccio, Cosmetology Inspector/Examiner

VISITORS

Tonya Montgomery	Skorley Sexton
Regina Roberts	Margaret Hanson
Jamie Schatz	Glenda Bell
Linda Wiist	Angel Turner
Cheronda Craig	Seion Jones
Emily Trosper	Simona Murphy
Kevin Richardson	
Michael Leon	
Terry Stephens	
Monica Carter	
Maria Reyes	
Lucinda Garcia	
Bianca Cherry	
Claudia Vargas	

Notes: Some names on the visitor sign-in sheet were difficult to read and list in the official minutes

CALL TO ORDER

Chair Payne 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: Payne, Saxton, Austin, Carter, Helton, Nguyen, Poe and Webb. Young was not present.

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 SEPTEMBER 14, 2009 BOARD MEETING MINUTES

A motion was made by Ms. Webb and seconded by Ms. Poe to approve the Board meeting minutes of September 14, 2009.

VOTING: Saxton, yes; Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Poe, yes; Webb, yes.

Motion carried.

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL OF FY 2010 1ST QUARTER FINANCIAL STATEMENT

A motion was made by Ms. Poe and seconded by Mr. Carter to approve the FY 2010 1st quarter financial statement.

VOTING: Saxton, yes; Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Poe, yes; Webb, yes.

Motion carried.

DIRECTOR'S REPORT – SHERRY G. LEWELLING

Ms. Lewelling proved the Board with a written report. She announced that the agency would be participating in Student Appreciation Day scheduled for Monday, December 7th. She invited Board members and Ms. Balzer to attend the Office Holiday Party on November 30th.

She also announced that Ramona Jackson had resigned her part-time examiner position with the agency which now requires that Inspectors to rotate two at a time in the Testing Center. She states that she would like to fill the position in order to keep Inspectors in the field as much as possible.

She provided members with an NIC conference report and told that the most informative part for her was the Administrator's meeting.

She also explained the SAVE program and how it is working within the agency and updates to sole source agreements with the Department of Central Services and the on-line renewal project progress.

She provided members with a sample drive report to show how it is working to track Inspectors and inspections.

She explained that the agency is in the process of replacing computers and researching the compatibility of new operating systems with present software programs.

She provided members with an update to the Hairbraiding licensing issue and provided members with research information. She requested that the committee meet sometime after the first of the year to work on this project.

She also asked members to consider making a decision regarding the felony statement at this Board meeting in order that license stock could be ordered in a cost effect manner.

BOARD DISCUSSION AND POSSIBLE ACTION TO APPROVE THE 2011-2012 BUDGET REQUEST

A motion was made by Ms. Poe and seconded by Mr. Carter to approve the 2011-2012 Budget Request.

VOTING: Saxton, yes; Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Poe, yes; Webb, yes.
Motion carried.

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL TO INTRODUCE LEGISLATION TO RAISE EXAMINATION FEES AS RECOMMENDED BY LEGISLATIVE AFFAIRS COMMITTEE – BILL HELTON, COMMITTEE, CHAIR

Mr. Helton provided members with a written proposal from the Legislative Affairs Committee who met at 9am.

Title 59 O.S. 199.14 Fees

A. The Board is authorized to establish by rule fees to be charged for the purpose of implementing and enforcing the provisions of the Cosmetology Act. The Board shall fix the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering the provisions of the Cosmetology Act, and so there are no unnecessary surpluses in the Cosmetology Fund. The Board shall charge fees only within the following ranges, except as may be otherwise specified in this section: The following fees shall be charged by the State Board of Cosmetology:

Registration as an apprentice of student	\$5.00 <u>\$25.00 to \$50.00</u>
Examination for license	\$15.00 <u>\$50.00 to \$120.00</u>
Cosmetology school license (initial).	\$400.00
Cosmetology school license (renewal).	\$125.00
Renewal Advanced Operator license (annual)	\$25.00
Facial Operator license (annual)	\$25.00
Operator license (annual).	\$25.00
Manicurist license (annual)	\$ 25.00
Facial/Esthetics Instructor license (annual)	\$ 30.00
Cosmetician license (annual)	\$ 25.00
Hairbraiding Technician (annual)	\$ 25.00
Manicurist/Nail Technician Instructor (annual)\$ 30.00
Demonstrator license (annual)\$ 20.00
Master Instructor license (annual)	\$ 30.00
Cosmetology salon license (initial)\$ 45.00
Cosmetology salon license (renewal)\$ 30.00
Cosmetic Studio license (initial).\$ 50.00
Cosmetic Studio license (renewal).	\$ 30.00
Reciprocity license (initial)	\$ 30.00
Reciprocity processing fee	\$ 30.00
Duplicate license (in case of loss or destruction of original).	\$ 5.00
Notary fee.	\$ 1.00
Certification of Records	\$ 10.00

B. In addition to the fees specified in subsection A of this section, the Board shall charge a total penalty Ten Dollars (\$10.00), as provided for in Section 199.10 of this title.

C. Any person licensed as an advanced operator prior to July 1, 1985, may renew the advanced cosmetologist license annually by payment of the fee required by this section and by being in compliance with the rules promulgated by the State Board of Cosmetology.

Ms. Poe made a motion seconded by Mr. Carter to accept the Legislative Affairs Committee's proposal.

Mr. Saxton stated he was concerned about raising fees for his smaller schools where funding and money is an issue. He stated that he agrees there is a need for a small increase for the student registration but no more than \$25 and exam fees from \$25 or maybe \$35. He said his constituents feel it is too much of an increase that is being proposed. He said it is his duty to vote the way his constituents feel.

Mr. Carter stated that we are appointed to protect the health, safety and welfare of the public to the greatest possible extent and we should vote that way. He said when we don't break even with our expenses, it takes away from our inspection program and our ability to protect the public and their health and safety.

Mr. Saxton stated it is not that he disagrees with that point but he has to consider his constituents.

Mr. Helton stated that he doesn't want of cause a hardship but he has to agree that protection of the public is the utmost importance and in order to so that we have to have the funds to have a strong inspection program.

VOTING: Saxton, no; Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Poe, yes; Webb, yes.
Motion carried.

Chair Payne announced that Item #9 would be discussed at the end of the agenda.

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL TO AMEND THE SALARY ADMINISTRATION PLAN IN ORDER TO ALLOW FOR INCENTIVE PAY FOR PERSONS WHO ATTENDED CLEAR TRAINING

Ms. Lewelling explained that this is specialized training and the state allows for incentive pay if approved in the agency's Salary Administration Plan. She stated that the CLEAR training received by Michelle Huitt-Shook and Vicki Middleton is critical for their job performance and in her opinion merits this incentive pay or a pay raise.

Mr. Saxton stated that any training where an employee's registration and food, travel per diem is paid for should not merit any increase. He stated he felt this was a bad business practice.

Board discussion continued

VOTING: Saxton, no; Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Poe, yes; Webb, yes.
Motion carried.

BOARD DISCUSSION AND POSSIBLE ACTION TO APPROVE FELONY STATEMENT TO BE ADDED TO LICENSE APPLICATION AND LICENSE RENEWAL FORM

A motion was made by Ms. Webb and seconded by Mr. Nguyen to approve that felony statement be added to license application and license renewal form.

Mr. Carter stated that current Board statutes are implied not inferred that persons with a felony may not be issued a license. He stated he is asking that a yes/no question be added to license application and renewal forms asking if persons are a convicted felon. If so, then asking for more information in order that the Director can make an informed decision about the licensure.

Board discussion continued and Ms. Webb amended the motion and Mr. Nguyen seconded the amended motion that the Board approve the statement be added to license applications and license renewal forms that ask "Have you ever been convicted, pled guilty or nolo contendere to a felony?" Yes/No. If yes, then the details would be requested for the Director's decision making purposes.

VOTING: Saxton, yes; Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Poe, yes; Webb, yes.
Motion carried.

NIC REPORTS FROM DELEGATES WHO ATTENDED CONFERENCE

Mr. Carter, Ms. Poe, Ms. Austin and Mr. Helton provided reports regarding their positive experiences at the NIC Conference in Myrtle Beach, South Carolina. Ms. Austin read her NIC Director's letter to NIC delegates to the Board.

PERFORMANCE EVALUATION AND POSSIBLE ACTION TO INCREASE SALARY OF EXECUTIVE DIRECTOR, SHERRY G. LEWELLING

A motion was made by Ms. Webb and seconded by Mr. Helton to adjourn regular session of the meeting and go into Executive Session to discuss this agenda item.

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VOTING: Saxton, yes; Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Poe, yes;
Webb, yes.
Motion carried.

The Board convened in Executive Session.

A motion was made by Ms. Poe and seconded by Mr. Helton to adjourn Executive Session and go back into regular session of the meeting.

VOTING: Saxton, yes; Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Poe, yes;
Webb, yes.
Motion carried.

A motion was made by Mr. Webb and seconded by Mr. Carter to approve a 5% salary increase for Sherry G. Lewelling, Executive Director, effective January 1, 2010.

VOTING: Saxton, yes; Austin, yes; Carter, yes; Helton, yes; Nguyen, yes; Poe, yes;
Webb, yes.
Motion carried.

**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

Chair Payne declared the meeting to be adjourned.

Gretchen Payne, Board Chair

Loyd Saxton, Vice Chair

A. LaFaye Austin

Jerry Kelon Carter II

Bill Helton

Tuan A. Nguyen

Freda Poe

Janet Dale Webb

11.10.09jm