

The Oklahoma State Board of Cosmetology met at 10:00 a.m. on Monday, November 14, 2011 at 2401 NW 23rd Street, Suite 84 in the Testing Center, Oklahoma City, OK 73107. The following persons were present:

BOARD MEMBERS

Freda Poe, Chair
A LaFaye Austin, Vice Chair
Jerry Kelon Carter, II
Bill Helton
Gretchen Payne
Max Thomas
Janet Dale Webb
Ken Young

BOARD'S LEGAL ADVISOR

Alecia George, Assistant Attorney General

BOARD STAFF

Sherry G. Lewelling, Executive Director
Jennifer McRee, Principal Assistant
Patricia Migliaccio, Cosmetology Inspector
Vicki Middleton, Cosmetology Inspector
Donnie Allen, Cosmetology Inspector
Deloris Merriman, Cosmetology Inspector

VISITORS

Steve Schardein
Tammy McAlvain
Sarah Mohler
Dr. Raye Mahberg
Emmy Downy

CALL TO ORDER

Chair Poe called the meeting to order.

Ms. McRee confirmed that the meeting agenda had been properly posted and agenda-ized

ROLL CALL

Quorum was established with roll call. The following persons answered roll: Poe, Austin, Carter, Helton, Payne, Thomas, Webb, and Young.

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

No public comment was received.

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL OF FINANCIAL STATEMENT (JULY 2011 to OCTOBER 2011) – RILEY SHAULL, OFFICE OF STATE FINANCE

A motion was made by Ms. Webb and seconded by Mr. Helton to approve the Financial Statement as presented.

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

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL OF BUDGET REQUEST

A motion was made by Mr. Young and seconded by Mr. Carter to approve the Budget Request as presented.

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

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL OF SEPTEMBER 12, 2011 BOARD MEETING MINUTES

A motion was made by Ms. Payne and seconded by Ms. Austin to approve the Board meeting minutes of September 12, 2011.

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

DIRECTOR'S REPORT

Ms. Lewelling provided the Board with a written report. She introduced and welcomed Alecia George, Assistant Attorney General and New Inspectors, Deloris Merriman and Donnie Allen. She stated that at the January Board meeting, a guest from Milady will make a presentation regarding online training for cosmetology. She stated she'd like to survey schools to have it ready for the Board meeting. She reported to the Board that she completed the Board's directive to increase the Inspector's salaries. She also presented the Board with samples of new license formats to possibly curtail fraudulent activity. She gave the Board a copy of the NIC pass/fail rate with a national pass rate comparison. She provided them a report of a recent unannounced visit from NIC representative Jackie Dahlquist who came to observe exams. She asked Chair Poe to consider appointing committees to research sole source contracting for the written examination and a sunset review committee.

BOARD CHAIR COMMITTEE APPOINTMENTS

- a) **Sole Source Testing Contract Committee** - Ms. Poe stated that Mr. Carter would Chair the Sole Source Testing Committee and Ms. Austin and Mr. Young would serve on the committee.
- b) **Sunset Review Committee** - Ms. Poe also announced that the Legislative Committee (Ms. Austin, Chair, Mr. Helton and Mr. Nguyen) would handle all Sunset Review matters and Mr. Carter would serve as an alternate if a committee member was not able to be present at any activity.

BOARD DISCUSSION AND POSSIBLE ACTION RE: NIC'S RECENT VISIT TO OBSERVE BOARD EXAMINATIONS

Board discussion began regarding NIC's recent visit to the Board office to observe Board examinations. Mr. Young made a motion, seconded by Mr. Helton to not allow NIC to make unannounced visits to observe testing procedures or office procedures without approval of the full Board prior to visit and that Ms. Lewelling notify NIC of the Board's motion.

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

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL OF PROPOSED RULES AND FILE NOTICE OF RULEMAKING INTENT – KEN YOUNG, RULES COMMITTEE CHAIR

A motion was made by Mr. Young and seconded by Mr. Helton to approve the drafts as presented with Mr. Young's recommendations but change 175:10-7-6 (d) to read: All customer contact items must be cleaned between customers and file notice of rulemaking intent.

VOTING: Austin, no; Carter, yes; Helton, yes; Payne, yes; Thomas, yes; Webb, yes; Young, yes.
Motion passed.

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL TO INTRODUCE LEGISLATION TO ALLOW COSMETICIANS TO PRACTICE COSMETOLOGY IN ESTABLISHMENTS OTHER THAN COSMETIC AND PHOTO STUDIOS, ADD DEFINITION AND TERM OF ESTABLISHMENT AS IN RULES AND ADD REQUIERMENT FOR RECIPROCITY TO REQUIRE APPLICANTS TO PROVIDE EVIDENCE THAT DOCUMENTS HAVE BEEN VERIFIED AS VALID – LAFAYE AUSTIN, LEGISLATIVE COMMITTEE CHAIR

Ms. Webb made a motion, seconded by Ms. Austin to approve the draft as recommended by Mr. Young and Ms. Lewelling. (Clarity to motion – after input from Board and hearing intent of Board to not require proof of work experience for reciprocity applicants other than foreign reciprocity applicants, Ms. George will improve the language to present to legislation that best represents the Board's legal intent).

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

Mr. Carter requested that detailed information be given to the Board regarding document verification companies. Other members agreed this was necessary for further consideration at a future rules hearing.

Mr. Young asked to be excused from the meeting.

BOARD DISCUSSION AND POSSIBLE ACTION RE: APPROVAL OF UPDATED COSMETICIAN WRITTEN AND PRACTICAL EXAMINATION – BILL HELTON, EXAM COMMITTEE CHAIR

Mr. Helton stated that the Committee was complete with their revisions to the Cosmetician written examination.

Mr. Carter stated he was concerned because permission was not obtained from the textbook companies to use their information to develop the test. He asked that Ms. Lewelling do this. He stated that he was concerned that there needs to be some more research done before final approval can be considered.

Ms. Austin stated she'd like Ms. George to determine whether or not a test developed or revised in this manner is legally defensible or if psychometricians needed to examine the document before the Board can use it.

Through Board discussion it was stated that the next agenda in January needed to have some discussion regarding hairbraiders.

Ms. Webb made a motion, seconded by Ms. Payne to table this agenda item pending further research.
VOTING: Austin, yes; Carter, yes; Helton, yes; Payne, yes; Thomas, yes; Webb, yes.
Motion passed.

PERFORMANCE APPRAISAL COMMITTEE REPORT – DALE WEBB, CHAIR

Ms. Webb stated that the Committee met with Ms. Lewelling and conducted her end of year performance appraisal.

Mr. Helton asked what her standard rating was that she received.

Ms. Lewelling stated it was an overall exceeds standards.

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

A motion was made by Ms. Webb and seconded by Ms. Payne to enter into Executive session to discuss this agenda item.

VOTING: Austin, yes; Carter, yes; Helton, yes; Payne, yes; Thomas, yes; Webb, yes.
Motion passed.

PROPOSED EXECUTIVE SESSION FOR DISCUSSION OF THE ABOVE PURSUANT TO 24 O.S. SECTION 307 (B)(1)

The Board convened in executive session.

A motion was made by Ms. Payne and seconded by Ms. Austin to adjourn executive session and return to regular session.

VOTING: Austin, yes; Carter, yes; Helton, yes; Payne, yes; Thomas, yes; Webb, yes.
Motion passed.

A motion was made by Mr. Thomas and seconded by Mr. Helton to increase the salary of the Executive Director effective immediately to \$60,000 per year.

VOTING: Austin, yes; Carter, yes; Helton, yes; Payne, yes; Thomas, yes; Webb, abstain.

Motion passed.

Ms. Webb asked to be excused from the meeting.

A motion was made by Ms. Payne and seconded by Mr. Helton to reconsider approval to the revised Cosmetician examination. (This item was previously tabled in the meeting).

VOTING: Austin, yes; Carter, yes; Helton, yes; Payne, yes; Thomas, yes.

Motion passed.

Ms. Lewelling provided members with copies of the revised practical test sheets for the Cosmetician examination.

A motion was made by Mr. Helton and seconded by Ms. Austin to approve the revised practical Cosmetician examination.

VOTING: Austin, yes; Carter, yes; Helton, yes; Payne, yes; Thomas, yes.

Motion passed.

NEW BUSINESS NOT KNOWN OR 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

Chair Poe announced the meeting to be adjourned.

Freda Poe, Chair

A LaFaye Austin, Vice Chair

Jerry Kelon Carter II

Bill Helton

Gretchen Payne

Max Thomas

Janet Dale Webb

Ken Young