

The Oklahoma State Board of Cosmetology met on Monday, September 8, 2008 at 10:00 am at 2401 NW 23rd Street, Suite 84, Testing Center, Oklahoma City, OK 73107. The following persons were present:

BOARD MEMBERS

Gretchen Payne, Board Chair
Freda Poe, Vice Chair
A. LaFaye Austin
Jerry Kelon Carter II
Carol DeWitt
Tuan Nguyen
Loyd Saxton
Janet Dale Webb
Ken Young

BOARD'S LEGAL COUNSEL

Sandra Balzer, Assistant Attorney General

BOARD STAFF

Sherry Lewelling, Executive Director
Jennifer McRee, Principal Assistant
Candis Ross, Administrative Assistant To The Director
Janelle Hastings, Exam Coordinator
Michelle Huitt-Shook, Inspector
Vicki Middleton, Inspector
Nancy Wells, Inspector

VISITORS

Sue Southern
Randy Tinsley

CALL TO ORDER

Chair Payne called the meeting to order.

The agenda had been properly posted and agenda-ized

ROLL CALL

Quorum was established with roll. The following persons were present: Payne, Poe, Austin, Carter, DeWitt, Nguyen, Saxton, Webb and Young.

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

There were no formal requests to speak.

DISCUSSION AND POSSIBLE ACTION RE: REGULATION OF FISH PEDICURES

Ms. Lewelling stated that she had emailed Board members a video to be better informed on this agenda item. She explained that the Board's rules require specific sanitation and safety procedures to be performed after each pedicure service and was not sure this procedure would meet these requirements. She said she also has some real concerns because the "doctor" fish often get large enough to suck hard enough to produce blood which creates more sanitation and safety concerns.

Ms. Balzer stated that there is a lot to consider with this issue because fish in these numbers would require possible Wildlife Commission regulations, Health Department, City ordinances and the Medical Board if the fish pedicure is done in a medical type spa or cosmetology salon.

Board discussion continued with audience participation.

Chair Payne appointed a Fish Pedicure Research Committee that consists of the following persons: Kelon Carter, Chair, Michelle Huitt-Shook, Sherry Lewelling and Jennifer McRee. The Committee will meet, research and report back to the Board in November.

BOARD CONSIDERATION AND POSSIBLE ACTION RE: APPROVAL OF BOARD MEETING MINUTES OF JULY 14, 2008

A motion as made by Mr. Young and seconded by Ms. Poe to approve the Board Meeting Minutes of July 14, 2008.

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

Motion passed.

BOARD CONSIDERATION AND POSSIBLE ACTION RE: APPROVAL OF FY 2008 4th QUARTER FINANCIAL REPORT

A motion was made by Ms. Poe and seconded by Ms. Webb to approve the FY2008 Annual Report

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

Motion passed.

DIRECTOR'S REPORT

Ms. Lewelling provided the Board with a written report. In the report she introduced Vicki Middleton, the new Inspector. She told of the training she had been provided and that she is doing well with her new job duties. She also told of her positive experiences

when she attended the Governor's Executive Development Program at OSU in August. She told of the recent Inspector's meeting she conducted and other agency information.

INSPECTOR'S REPORT

Ms. Wells reported to the Board that the Inspector are glad to have Ms. Middleton aboard as a new Inspector. She said all the Inspectors are back in the field and inspecting salons at least one time per year and schools at least four times per year.

TULSA TESTING CENTER COMMITTEE REPORT – JERRY KELON CARTER II, CHAIR

Mr. Carter stated that the Committee did not meet because of illness but did have discussion over the phone. He stated that the Committee did determine that it is difficult to do anything regarding a new facility because of the present budget situation. He stated that future studies might be needed to continue this project when funds become available. He stated he'd like to see an outside auditor to do a budget review and analysis. He stated that a feasibility study, like an independent study, should be done because he noticed that testing revenue were down because less students are now testing. He stated that he wants to be financially secure before considering a facility. He stated we need to be able to pay all our bills, provide staff with cost of living increases and increase the number of inspections each year before proceeding with any new projects.

Mr. Young stated that he concurred. He stated that we've tried to get projections, and what we always get is very vague and without specifics. He said the study need to be lay person readable. He said he is 100% in favor of an outside person doing a projection.

Mr. Carter sated that he is in favor of considering more than one testing site and not just Oklahoma City and Tulsa in order to accommodate even more students that need to test. He also stated that the exam needs to be more self sufficient and that we charge an exam fee that will cover the cost to set up and operate an additional site and maybe even generate revenue. He stated that the Legislative Committee could talk about this after Sunset Review.

Ms. Austin stated that she wants the Board to keep this in the front of everyone's mind. She said it is important for the agency's strategic growth. She stated she wants everyone to remember the four specific reasons why the Tulsa Testing Center was even considered.

Mr. Saxton stated he agreed that we need to look at our money situation and our carryover fund balances before going further with this.

BOARD CONSIDERATION AND POSSIBLE ACTION RE: APPROVAL OF TULSA TESTING CENTER

Mr. Young made a motion to table this agenda item until an independent feasibility audit is conducted. Mr. Carter seconded the motion.

Board discussion continued with the consensus being that the Budget Chair, Freda Poe, Tulsa Testing Center Chair, Kelon Carter, Board Chair Gretchen Payne and Ms. Lewelling meet to discuss possible options and audit availability. It was discussed that Ms. Ross would not have enough time to put this out to bid before the November Board meeting in order to be able to vote to amend the budget to pay for the audit or study. Ms. Ross suggested contacting the State Auditor's Office to see what they could provide to the Board with the information and the process would not be as difficult as getting an outside company.

VOTING: Poe, yes; Austin, yes; Carter, yes; DeWitt, yes; Nguyen, yes; Saxton, yes; Webb, yes; Young, yes.
Motion passed.

Ms. Payne asked Mr. Saxton to also serve on this committee.

BOARD DISCUSSION RE: HAIRBRAIDING TECHNICIAN AND COSMETICIAN LICENSES – JERRY KELON CARTER II

Ms. Lewelling stated that a person from another state contacted her recently who wanted to know what it would take to get licensed in Oklahoma as a Hairbraider. The person had been trained in another state that does not license Hairbraiders. She reported that there presently are not any Oklahoma schools that offer this course and the young lady had contacted some Instructors in her area and had not been able to find someone to apprentice her for the hours. She stated that she'd like to see the young lady get licensed so she can be regulated.

Mr. Carter stated that he agrees that we need to have some regulation for this practice.

Board discussion began with audience participation.

The general consensus was to table this item until after Sunset Review and then the Legislative Committee could research and review this information because members were in general agreement that these should be a regulated by the Board.

NEW BUSINESS – ANY BOARD BUSINESS NOT KNOWN OR WHICH COULD NOT HAVE BEEN REASONABLY FORESEEN PRIOR TO POSTING OF MEETING AGENDA – 25 O.S. § 311 (A)(9)

No new business was heard.

BOARD ADJOURNMENT

Chair Payne announced the meeting to be adjourned.

Gretchen Payne, Chair

Freda Poe, Vice Chair

A. LaFaye Austin

Jerry Kelon Carter II

Carol DeWitt

Tuan Nguyen

Loyd Saxton

Janet Dale Webb

Ken Young

9.9.08.bd minutes