

**BEFORE THE MISSOURI STATE BOARD
OF COSMETOLOGY AND BARBER EXAMINERS**

In the Matter of the Application of)
)
SALISHA E. ADAMS,)
)
Applicant.)

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS ISSUING A PROBATIONARY
COSMETOLOGY STUDENT LICENSE TO SALISHA E. ADAMS**

The Missouri State Board of Cosmetology and Barber Examiners (the "Board") hereby issues its **ORDER** granting a **PROBATIONARY COSMETOLOGY STUDENT LICENSE**, License No. 2013010276 to Salisha E. Adams ("Adams" or "Applicant"), pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Adams may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Board's decision to issue a probated student license. Such written request must be filed with the Administrative Hearing Commission within 30 days of delivery or mailing of this Order of the Board. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman State Office Building, Room 640, Jefferson City, MO 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the Board's decision shall be considered waived. Should Adams file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless and/or until such time as the Administrative Hearing Commission issues an Order to the contrary.

Based upon the foregoing, the Board hereby states:

I.

FINDINGS OF FACT

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo,¹ for the purpose of licensing all persons engaged in the practice of barbering and cosmetology in this state. The Board has control and supervision of the licensed occupations and enforcement of the terms and provisions of Chapters 328 and 329, RSMo.

2. On or about February 13, 2013, Adams applied for a cosmetology student license to enroll at St. Joseph Beauty University of Hair & Nail Design, 2207 N. Belt Highway, Suite C and D, St. Joseph, Missouri.

3. On her application, Adams answered “yes” to the question “In the last ten (10) years have you been adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, whether or not sentence was imposed?”

4. With her February 13, 2013 application, Adams included a statement regarding her answer of “yes” to the question regarding criminal history. Adams stated she received a *driving while intoxicated (DWI) in August 2009 and “wrecked [her] car.”* She stated she got a DWI in August 2010 after “leaving the bar in Maryville, M[issouri].” She stated she received a DWI in August 2011 after “leaving the bar in St. Joseph, M[issouri].” She stated she received a tampering with a motor vehicle charge in June 2011 because she was riding in a vehicle with an acquaintance and it was not his vehicle. She stated “I have made some bad decisions in the past. I have learned from my mistakes and want to continue to better myself and keep moving in a positive direction so I will have a wonderful life.”

¹ All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

5. On or about February 27, 2013, Adams provided a more detailed statement regarding her criminal history. Adams provided the following criminal history:

- a. Pled guilty to DWI November 24, 2009 as a result of an August 28, 2009 accident when she “crashed her car.”
- b. Pled guilty to animal neglect on June 23, 2010 when [her] “dog got out of [her] yard.”
- c. Pled guilty to leaving the scene of a motor vehicle accident on December 7, 2000 when she left the scene after rear-ending another vehicle.
- d. Pled guilty to DWI on January 26, 2011 as a result of an August 22, 2010 arrest.
- e. Pled guilty to tampering with a motor vehicle on or about October 3, 2012 after riding in a vehicle that did not belong to the person with whom she was riding. She received a suspended imposition of sentence and was placed on five years’ probation.
- f. Pled guilty to DWI, persistent offender, on March 1, 2012 as a result of an August 26, 2011 arrest.

Adams also stated “I have made some bad decisions in my life. I continue to keep learning from my past mistakes so I can better myself and keep moving forward to continue to better myself.”

6. A review of Adams’ Missouri criminal history reveals:

- a. On or about November 24, 2009, Adams pled guilty to the class B misdemeanor of driving while intoxicated in the Circuit Court of Andrew County, Missouri, case number 09D1-CR00322. The Court suspended the imposition of sentence and placed Adams on two years’ probation. The Court revoked Adams’ probation on October 5, 2010 and sentenced Adams to two days in jail.

- b. On or about June 22, 2010, Adams pled guilty to the class C misdemeanor of *animal neglect or abandonment in the Circuit Court of Andrew County, Missouri* in case number 10AW-CR00192. The Court suspended the imposition of sentence and placed Adams on two years' probation. The Court revoked Adams' probation on October 5, 2010 and sentenced Adams to two days in jail to run concurrently with Adams' sentence in case number 09D1-CR00322.
- c. On or about December 7, 2010, Adams pled guilty to one count of the class A misdemeanor of leaving the scene of a motor vehicle accident and one count of *the class A misdemeanor of operating a motor vehicle while license was revoked* in the Circuit Court of Andrew County, Missouri in case number 10AW-CR00478. The Court sentenced Adams to two days in jail on each count, time to run concurrently, and a \$500 fine.
- d. On or about January 26, 2011, Adams pled guilty to the class A misdemeanor of driving while intoxicated, prior offender, in the Circuit Court of Buchanan County, Missouri in case number 10BU-CR02143. The Court sentenced Adams to fifteen days in Buchanan County jail.
- e. On or about January 6, 2012, Adams pled guilty to the class D felony of driving while intoxicated, persistent offender, in the Circuit Court of Buchanan County, Missouri in case number 11BU-CR02092-01. The Court sentenced Adams to four years in Missouri Department of Corrections subject to a shock incarceration 120 day callback. On or about March 1, 2012, the Court granted Adams' release, and on or about June 29, 2012, suspended the execution of sentence and placed

Adams on four years' probation supervised by the Missouri Board of Probation and Parole.

- f. On or about October 3, 2012, Adams pled guilty to the class C felony of tampering with a motor vehicle in the first degree. The Court suspended the imposition of sentence and placed Adams on five years' probation supervised by the Missouri Board of Probation and Parole. The Court also ordered Adams to not violate any state or federal criminal law or municipal ordinance, not possess or consume alcoholic beverages, not be in any place of business whose principal occupation is the sale or dispensing of alcohol, pay costs and fees, complete treatment program and submit to blood, breath or urine testing as requested by probation or law enforcement officials.

II.

CONCLUSIONS OF LAW

7. The Board has authority to deny or refuse a license application pursuant to § 329.140.1, RSMo, which provides:

The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

8. The Board has cause to deny or refuse Adams' application for a cosmetology student license pursuant to § 329.140.2, RSMo, which provides:

The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of

registration or authority, permit or license for any one or any combination of the following causes:

...
(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed[.]

9. As a result of Adams' actions as set forth in paragraphs 2 through 6 above, the Board has cause to deny or refuse Adams' application for a cosmetology student license pursuant to § 329.140.1, RSMo, and § 329.140.2(2), RSMo.

10. As an alternative to refusing to issue a license, the Board may, at its discretion, issue a license subject to probation, pursuant to § 324.038, RSMo, which provides:

Whenever a board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

11. The Board issues this Order in lieu of denial of Adams' application for a cosmetology student license. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

12. Based on the foregoing, Salisha E. Adams is granted a cosmetology **student license**, which is hereby placed on **PROBATION** for the period during which she is enrolled in cosmetology school and receiving training hours, not to exceed five (5) years from the effective

date of this Order. During the aforementioned probation, Salisha E. Adams shall be entitled to enroll as a cosmetology student subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

13. During the aforementioned probation, Salisha E. Adams, shall be entitled to enroll as a cosmetology student subject to the following terms and conditions:

- A. During the disciplinary period, Applicant shall comply with all provisions of Chapter 329, RSMo, all applicable board regulations, all applicable federal and state drug laws, rules and regulations and all applicable federal and state criminal laws. "State" includes the state of Missouri, all other states and territories of the United States, and the ordinances of their political subdivisions.
- B. During the disciplinary period, Applicant shall keep the Board informed of Applicant's current work and home telephone numbers. Applicant shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Applicant shall timely renew Applicant's student license granted hereby and shall timely pay all fees required for licensure and comply with all other Board requirements necessary to maintain said license in a current and active state.
- D. During the probationary period, Applicant shall accept and comply with unannounced visits from the Board's representatives to monitor compliance with the terms and conditions of this Order.
- E. During the disciplinary period, Applicant shall appear in person for interviews with the Board or its designee upon request.
- F. Applicant shall submit written reports to the Board on or before January 1 and July 1 during each year of the probationary period stating truthfully whether there has been compliance with all terms and conditions of this Order. The first such report shall be received by the Board on or before July 1, 2013.
- G. If, at any time during the probationary period, Applicant changes Applicant's address from the state of Missouri, or ceases to maintain Applicant's cosmetology student license current or active under the provisions of Chapter 329, RSMo, or fails to keep the Board advised of all current places of residence, the time of such absence, unlicensed or inactive status, or unknown whereabouts shall not be deemed or taken to satisfy any part of the probationary period.

- H. The Board retains jurisdiction to hold a hearing at any time to determine if a violation of this Order has occurred and, if a violation of this Order has occurred, may seek to amend this Order or impose further disciplinary or appropriate action at the discretion of the Board. No order shall be entered by the Board pursuant to this paragraph without any required notice and opportunity for a hearing before the Board as provided by Chapter 536, RSMo.
- I. Unless otherwise specified by the Board, all reports, documentation, notices, or other materials required to be submitted to the Board shall be forwarded to: Missouri State Board of Cosmetology and Barber Examiners, P.O. Box 1062, Jefferson City, Missouri 65102.
- J. Any failure by Applicant to comply with any condition of discipline set forth herein constitutes a violation of this Order.

14. This Order does not bind the Board or restrict the remedies available to it concerning any violation by Applicant of the terms and conditions of this Order, Chapter 329, RSMo, or the regulations promulgated thereunder.

15. The Board will maintain this Order as an open, public record of the Board as provided in Chapters 329, 610, and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 8 DAY OF APRIL, 2013.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily Carroll, Executive Director