

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

In the Matter of the Application of            )  
  )  
**TIFFANY BRAWLEY, OWNER**                    )  
**AFTER EFFECTS**                                    )  
  )  
Applicant.    )

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS ISSUING A PROBATIONARY  
COSMETOLOGY ESTABLISHMENT LICENSE TO  
TIFFANY BRAWLEY, OWNER, AFTER EFFECTS**

The Missouri State Board of Cosmetology and Barber Examiners (“Board”) hereby issues its **ORDER** granting a **PROBATIONARY COSMETOLOGY ESTABLISHMENT LICENSE**, License No. 2012036706, to Tiffany Brawley (“Brawley”), owner of After Effects, pursuant to the provisions of § 324.038, RSMo.<sup>1</sup> As set forth in § 324.038.2, RSMo, Brawley 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 Brawley file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless or until such time as the Administrative Hearing Commission issues an Order to the contrary.

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

I.

Based upon the foregoing, the Board hereby states:

**FINDINGS OF FACT**

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo 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. Brawley is licensed by the Board as a cosmetology operator, license number 2012003337. Licensee's cosmetology operator license expired September 30, 2011 due to non-renewal. The Board reinstated Brawley's cosmetology operator license on January 30, 2012.

3. Brawley has been offering cosmetology services out of After Effects, located at 3811 C South Campbell, Springfield, Missouri 64807, without a valid cosmetology establishment license.

4. On or about February 16, 2011, the Board's inspector conducted an inspection of After Effects. The inspection identified the following violation: Licensee was present and offering cosmetology services without an establishment license in violation of § 329.030, RSMo, and 20 CSR 2085-10.010. On or about March 8, 2011, the Board sent a violation notice to Licensee at After Effects.

5. On or about March 12, 2012, the Board conducted an inspection of After Effects. The inspection identified the following violation: Licensee was present and offering cosmetology services without an establishment license in violation of § 329.030, RSMo, and 20 CSR 2085-10.010.

6. On or about August 13, 2012, the Board conducted an inspection of After Effects following receipt of an application for establishment license. The Board's inspection revealed no violations.

## 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 the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

8. The Board has cause to deny or Brawley's application for a cosmetology establishment 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:

...

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any professional licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

...

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

...

(13) Violation of any professional trust or confidence[.]

9. Section 329.030, RSMo, states:

It is unlawful for any person in this state to engage in the occupation of cosmetology or to operate an establishment or school of cosmetology, unless such person has first obtained a license as provided by this chapter.

10. Regulation 20 CSR 2085-10.010 states, in relevant part:

(1) *New Barber Establishments or Cosmetology Establishments.*

(C) No establishment shall open in Missouri until the board receives a completed application, on a form supplied by the board, the biennial establishment fee is paid, the establishment passes a board inspection, and the application is approved by the board. If an establishment opens for business before the board issues the original establishment license, a delinquent fee shall be assessed in addition to all other required licensure fees, and the board may take legal action pursuant to Chapter 328 and/or 329, RSMo.

(2) *Rental Space/Chair Licensing.* Any person licensed by the board who rents individual space or a booth/chair within a licensed establishment for the purposes of practicing as a barber or cosmetologist shall be required to obtain a separate establishment license for the rental space. Licensees that rent individual space or a booth/chair within a licensed barber or cosmetology establishment for their purposes of operating as a barber or cosmetologist must possess a current establishment license as well as an operator license. This section does not apply to licensees operating as establishment employees.

(A) Each establishment license issued to a renter under this rule shall be valid only for the licensee, address, and name identified in the initial establishment license application.

(B) Applications for an establishment license under this subsection shall be submitted on a form provided by the

board and shall comply with the requirements defined in 20  
CSR 2085-10.010(1)(A)1.-4.

11. As a result of Brawley operating After Effects without a valid establishment license in violation of § 329.030, RSMo, and 20 CSR 2085-10.010, the Board has cause to deny or refuse Brawley's application for an establishment license pursuant to § 329.140.1, RSMo, and § 329.140.2(4), (5), (6), (7), (10) and (13), RSMo.

12. As an alternative to refusing to issue a license, the Board may, at its discretion, issue a license subject to probation, pursuant to § 324.038.1, 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.*

13. The Board issues this Order in lieu of denial of Brawley's application for a cosmetology establishment license. The Board has determined that this Order is necessary to ensure the protection of the public.

### III.

#### ORDER

Based on the foregoing, Tiffany Brawley is granted a cosmetology establishment license for After Effects, which is hereby placed on **PROBATION** for a period of three (3) years from the effective date of this Order, subject to the terms and conditions set forth below.

### IV.

#### TERMS AND CONDITIONS

During the aforementioned probation, Brawley shall be entitled to a cosmetology establishment license subject to the following terms and conditions:

- A. During the disciplinary period, Brawley 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, Brawley shall keep the Board informed of the current work and home telephone numbers. Brawley shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Brawley shall timely renew the cosmetology establishment 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, Brawley 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, Brawley shall appear in person for interviews with the Board or its designee upon request.
- F. Brawley 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 January 1, 2013.
- G. If, at any time during the probationary period, Brawley changes the address from the state of Missouri, or ceases to maintain the cosmetology establishment 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 1335, Jefferson City, Missouri 65102.

J. Any failure by Brawley to comply with any condition of discipline set forth herein constitutes a violation of this Order.

This Order does not bind the Board or restrict the remedies available to it concerning any violation by Respondent of the terms and conditions of this Order, Chapters 324 and 329, RSMo, or the regulations promulgated thereunder.

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 25 DAY OF OCTOBER 2012.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS



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Emily Carroll, Executive Director