



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 Cum. Supp. 2008, 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 (as amended).

2. Albrecht currently seeks a cosmetology student license.

3. [REDACTED]

4. Albrecht applied for a cosmetology student license on or about November 25, 2009.

5. Albrecht is enrolled at the Vandalia Institute of Cosmetology, School license number 2001027384. Albrecht seeks enrollment in the class CA – hairdressing and manicuring course at Vandalia.

6. In completing the student enrollment application, Albrecht answered yes to the following 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 of the United States whether or not sentence was imposed?

7. On or about April 23, 2009, Albrecht was found guilty of the class D felony of child abduction in the Circuit Court of Cole County. On or about May 27, 2009, the Court sentenced Albrecht to three years incarceration, Missouri Department of Corrections.

8. On or about April 23, 2009, Albrecht was also found guilty of the class C felony of perjury in a procedure involving a felony charge in the Circuit Court of Cole County. On or about May 27, 2009, the Court sentenced Albrecht to seven years incarceration, Missouri Department of Corrections. The Court suspended execution of the sentence and ordered five years supervised probation.

## II.

### CONCLUSIONS OF LAW

9. The Board has authority to deny or refuse a license application pursuant to § 329.140.1, RSMo 2000, 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.

10. The Board has cause to deny or refuse Albrecht's application for a master establishment license pursuant to § 329.140.2, RSMo 2000, 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) That 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 offence 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[.]

11. As a result of Albrecht being found guilty of the class D felony of child abduction and the class C felony of perjury in a procedure involving a felony, the Board has cause to deny or refuse Albrecht's application for a cosmetology student license pursuant to § 329.140.1, RSMo, and § 329.140.2(2), 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 Albrecht's application for a cosmetology student license. The Board has determined that this Order is necessary to ensure the protection of the public.

### III.

#### ORDER

Based on the foregoing, Albrecht is granted a cosmetology student license, which is hereby placed on **PROBATION** for a period through the entire period of student training, not to exceed five (5) years, subject to the terms and conditions set forth below.

### IV.

#### TERMS AND CONDITIONS

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

- A. During the disciplinary period, Albrecht shall comply with all provisions of Chapter 329, RSMo (as amended), 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.

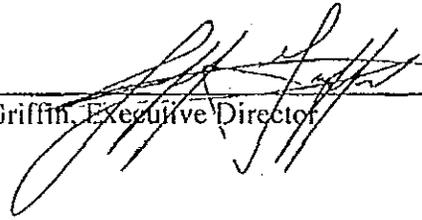
- B. During the disciplinary period, Albrecht shall keep the Board informed of her current work and home telephone numbers. Albrecht shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Albrecht shall timely renew her cosmetology 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, Albrecht 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, Albrecht shall appear in person for interviews with the Board or its designee upon request.
- F. Albrecht 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, 2010.
- G. If, at any time during the probationary period, Albrecht changes her address from the state of Missouri, or ceases to maintain her cosmetology student license current or active under the provisions of Chapter 329, RSMo (as amended), 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 (as amended).
- 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 Albrecht 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 (as amended), 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 (as amended).

SO ORDERED, EFFECTIVE THIS 28<sup>th</sup> DAY OF JANUARY, 2010.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS

  
\_\_\_\_\_  
Jeff Griffin, Executive Director

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

In the Matter of the Application of            )  
  )  
REBECCA WEST (ALBRECHT)                    )  
  )  
Applicant.    )

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS ISSUING A PROBATIONARY  
COSMETOLOGY OPERATOR LICENSE TO  
REBECCA WEST (ALBRECHT)**

The Missouri State Board of Cosmetology and Barber Examiners (the "Board") hereby issues its ORDER granting a PROBATIONARY COSMETOLOGY OPERATOR LICENSE, License No. 2011022577, to Rebecca West (formerly Albrecht) (hereafter, West), pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, West may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Board's decision to issue a probated operator 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 West 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.

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 Cum. Supp. 2010, 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 (as amended).

2. West currently seeks a cosmetology operator license.

3. West is a female, born July 2, 1971. West's social security number is xxx-xx-5294.

4. On or about November 12, 2009, West made application with the Board for her cosmetology student license.

5. In completing the cosmetology student license application, West answered yes to the following 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 of the United States whether or not sentence was imposed?

6. On or about April 23, 2009, West was found guilty of the class D felony of child abduction in the Circuit Court of Cole County. On or about May 27, 2009, the Court sentenced West to three years incarceration, Missouri Department of Corrections.

7. On or about April 23, 2009, West was also found guilty of the class C felony of perjury in a procedure involving a felony charge in the Circuit Court of Cole County. On or about May 27, 2009, the Court sentenced West to seven years incarceration, Missouri

Department of Corrections. The Court suspended execution of the sentence and ordered five years supervised probation.

8. On or about January 28, 2010, West was issued a probated student license, license number, 2010002988.

9. On or about February 28, 2011, the Board received a notice of termination/contractual fees from Vandalia Institute of Cosmetology informing the Board that West was eligible to be scheduled for examination by the Board.

10. On or about May 27, 2011, the Board notified West that she was eligible to take the practical and written cosmetology examinations. West successfully passed both the written and practical examinations on June 20, 2011.

## II.

### CONCLUSIONS OF LAW

11. The Board has authority to deny or refuse a license application pursuant to § 329.140.1, RSMo 2000, 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.

12. The Board has cause to deny or refuse West's application for a cosmetology operator license pursuant to § 329.140.2, RSMo 2000, 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) That 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[.]

13. As a result of West being found guilty of the class D felony of child abduction and the class C felony of perjury in a procedure involving a felony, the Board has cause to deny or refuse West's application for a cosmetology operator license pursuant to § 329.140.1, RSMo, and § 329.140.2(2), RSMo.

14. 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.

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

### III.

#### ORDER

Based on the foregoing, Rebecca West (Albrecht) is granted a cosmetology operator license, which is hereby placed on PROBATION for a period three (3) years, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

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

- A. During the disciplinary period, West shall comply with all provisions of Chapter 329, RSMo (as amended), 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, West shall keep the Board informed of her current work and home telephone numbers. West shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, West shall timely renew her cosmetology operator 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, West 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, West shall appear in person for interviews with the Board or its designee upon request.
- F. West 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, 2012.
- G. If, at any time during the probationary period, West changes her address from the state of Missouri, or ceases to maintain her cosmetology operator license current or active under the provisions of Chapter 329, RSMo (as amended), 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 (as amended).

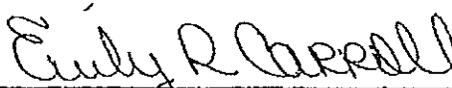
- I. Unless otherwise specified by the Board, all reports, documentation, notices, or other materials required to be submitted to the Board shall be forwarded to: Missouri State Board of Cosmetology and Barber Examiners, P.O. Box 1335, Jefferson City, Missouri 65102.
- J. Any failure by West to comply 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 (as amended), 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 (as amended).

SO ORDERED, EFFECTIVE THIS 18 DAY OF JULY, 2011.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS



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Emily R. Carroll, Executive Director