

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

In the Matter of the Application of )  
 )  
**AMY D. CROUCH, OWNER** )  
**BLO SALON STUDIO** )  
 )  
Applicant. )

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS ISSUING A PROBATIONARY  
COSMETOLOGY ESTABLISHMENT LICENSE TO  
AMY D. CROUCH, OWNER, BLO SALON STUDIO**

The Missouri State Board of Cosmetology and Barber Examiners ("Board") hereby issues its **ORDER** granting a **PROBATIONARY COSMETOLOGY ESTABLISHMENT LICENSE**, License No. 2013016072, to Amy D. Crouch ("Crouch"), owner of Blo Salon Studio, pursuant to the provisions of § 324.038, RSMo.<sup>1</sup> As set forth in § 324.038.2, RSMo, Crouch 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 Crouch 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.

<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. Crouch is licensed by the Board as a cosmetology operator, license number 2005015855. Licensee's operator license is now, but was not at all times herein, current and active.

3. Crouch has been offering cosmetology services out of Blo Salon Studio, located at 315 A Westport Road, Kansas City, Missouri 64111, without a current and active cosmetology establishment license. Crouch has applied for an establishment license for Blo Salon Studio.

4. There is an expired establishment license for Blo Salon LLC, license number 200801622. The license was issued to Robert McCain on June 12, 2008. The license expired on September 30, 2011 due to non-renewal.

5. On or about February 28, 2013, the Board received a complaint regarding Crouch. The complaint alleged that Crouch was "rough, drunk, and ruined my hair." The complaint alleged that Crouch showed up 25 minutes late for the appointment, was stern and aggressive during the consultation, and "began literally slapping on color with a brush in a harsh fashion, then began to take a fine tooth comb directly on my color and hair to apparently rub it in." The complaint alleged that Crouch's technique was painful and when the complainant told Crouch is was painful, Crouch "laughed wickedly and said 'I was just testing your pain tolerance to see

how far I can go ... beauty is pain my friend, beauty is pain.” The complaint stated there was a strong smell of hard alcohol coming from Crouch who had a keychain stating “I am a stylist, therefore I drink.” The complainant stated Crouch began talking to her, telling her she was “trying to cut down on drinking since her break up with her boyfriend,” that she “loves to drink.” The complaint stated Crouch’s behavior was “erratic and moody.” The complaint stated Crouch rinsed out her color and looked at her hair and stated “Ok, this is not my best work. I see some spots. But don’t worry, only a stylist like me would be able to see it.” Crouch informed her to come back Tuesday and she would fix it. The complainant stated she requested a trim and Crouch cut off more than 2.5 inches of hair. The complainant stated when she went to Regis Salon to get it fixed, “the entire salon stared at me in disbelief when I walked in and were horrified to see my color spots and sore scalp.” The complainant stated that she requested a refund and Crouch did not apologize or offer a refund. Finally, the complainant stated she has had sleeping problems because her scalp hurts when her head hits the pillow.

6. On or about March 12, 2013, the Board conducted an inspection at Blo Salon Studio. Crouch was not present at the time of the inspection. However, Crouch had a station and equipment present. The Board’s inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010. The inspector noted that Crouch came into the salon during the inspection to work on clients. The inspector informed Crouch that she needed to get an establishment license and did not have any grace period to do so following the closure of her last establishment. On or about April 5, 2013, the Board sent Crouch a violation notice regarding the inspection.

7. On or about March 22, 2013, the Board sent Crouch a letter requesting her to appear for an informal conference with the Board during its May 19, 2013 Board meeting. The purpose of the meeting was to discuss the complaint filed against Crouch.

8. On or about April 18, 2013, Crouch sent the Board a letter requesting a copy of all complaints. She also inquired as to whether she and the Board could resolve the matter without her coming to Jefferson City.

9. On or about April 18, 2013, the Board conducted an inspection at Blo Salon Studio. Crouch was not present at the time of the inspection. However, Crouch had a station and equipment present. The Board's inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010 and there was no EPA registered disinfectant available in violation of 20 CSR 2085-11.020. On or about May 3, 2013, the Board sent Crouch a violation notice regarding the inspection.

10. Crouch appeared before the Board on May 19, 2013. Crouch answered questions about her practice and the complaint. Crouch also provided the Board with a written statement in response to the February 28, 2013 complaint. Crouch stated that the complainant "seemed really nice but concerned about getting an appointment because she had not liked her last highlight and 'botched' haircut that she was given previously at another salon." Crouch stated the complainant was very specific about what she wanted for the color, dark at the top and highlights with a more solid lighter bottom. Crouch stated she was "completely devastated" reading the complaint. She stated she is not the most "[gentle] stylist" and "can be a little rough" especially when she is in a hurry. She stated she was already behind schedule when she began the consultation. She stated she "realized that [she] may have been [in] over her head" because

the complainant was the personality type who likes to be in control and she used the word "botched" regarding her last hair experience. Crouch stated the complainant "went round and round and round" on describing what she wanted. Crouch stated she cannot imagine that she talked to the complainant as the complainant described in her complaint. She stated that regarding the "beauty is pain" statement, she did say that it did not happen as the complainant described on paper and that she was just teasing the complainant. She stated she teases with her known clients but that "unless I know who the client [ ] is, I probably really shouldn't say that." She stated she did not cut her hair too short, she did what the complainant described to her. She stated the color was not perfect, the streaks were "not good" and there was "quite a bit of spotting." Crouch stated she explained to the complainant what still needed to be done and it would take no more than an hour. Crouch asked if she could come back at the end of the day. Crouch stated the complainant stated she had to leave to go back to work. Crouch stated the complainant never mentioned a sore scalp during the whole appointment, even when she was shampooed. Crouch stated that the complaint was "embellished" and she did not say all the things the complainant included in the complaint. She stated she was not aggressive or erratic and was not intoxicated.

11. Crouch also provided the Board with eight letters in support of her from clients and co-workers, including a manager at Blo Salon Studio.

## II.

### CONCLUSIONS OF LAW

12. 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.

13. The Board has cause to deny or Crouch'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[.]

14. 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.

15. 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.

16. As a result of Crouch operating Blo Salon Studio 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 Crouch's application for an establishment license pursuant to § 329.140.1, RSMo, and § 329.140.2(4), (5), (6), (7), (10) and (13), RSMo.

17. 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.

18. The Board issues this Order in lieu of denial of Crouch'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

19. Based on the foregoing, Amy D. Crouch is granted a cosmetology establishment license for Blo Salon Studio, 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

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

- A. During the disciplinary period, Crouch 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, Crouch shall keep the Board informed of the current work and home telephone numbers. Crouch shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Crouch 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.

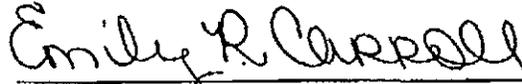
- D. During the probationary period, Crouch shall accept and comply with unannounced visits from the Board's representatives to monitor compliance with the terms and conditions of this Order.
- E. During the disciplinary period, Crouch shall appear in person for interviews with the Board or its designee upon request.
- F. Crouch 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, Crouch 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 1062, Jefferson City, Missouri 65102.
- J. Any failure by Crouch to comply with any condition of discipline set forth herein constitutes a violation of this Order.

21. 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.

22. 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 31 DAY OF MAY 2013.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS



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Emily Carroll, Executive Director