

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. On or about October 24, 2014, Boyle applied for a Missouri barber student license to enroll at E Clips Barber School, 9140 Page Avenue, St. Louis, Missouri 63114.

3. On his application, Boyle answered "yes" to the question "Have you been adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution in this state or of the United States, whether or not sentence was imposed?"

4. Boyle provided an explanation of his criminal history. In his explanation, Boyle stated that he robbed a bank and that it was "the biggest mistake of his life." Boyle noted he was unarmed and had no intent on hurting anyone, but that he was motivated by financial need and depression. He characterized his thinking as being "illogical and stupid." Boyle noted that he was subsequently arrested. Boyle stated he was charged with another robbery "because they said [he] fit the description of the person who robbed another bank but they had no evidence." Boyle stated further that he entered into a plea agreement in which he served one hundred twenty days of shock incarceration and given five years' probation. Boyle stated that believes barber school will provide him with an opportunity to get his life "back on track." Boyle concluded that he "regret[s]" his "bad decisions" and is "simply trying to better [his] life and make a decent name for [himself]."

5. A review of Boyle's Missouri criminal history reveals:

a. On or about March 6, 2014, Boyle pled guilty to the class A felony of Robbery – 1st Degree, in the Circuit Court of St. Louis County, Missouri, case number 11SL-CR02868-02. The Court suspended execution of sentence and placed Boyle on five years' supervised probation.

b. On or about March 11, 2014, Boyle pled guilty to the class A felony of Robbery – 1st Degree, in the Circuit Court of St. Louis County, Missouri, case number 12SL-CR00347-02. The Court suspended execution of sentence and placed Boyle on five years' supervised probation to run concurrently with the ordered probation in case number 11SL-CR02868-02.

II.

CONCLUSIONS OF LAW

6. The Board has authority to deny or refuse a license application pursuant to § 328.150.1, 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.

7. The Board has cause to deny or refuse Boyle's application for a barber student license pursuant to § 328.150.2, 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[.]

8. As a result of Boyle's pleas of guilty as detailed in paragraph 5 above, the Board has cause to deny or refuse Boyle's application for a barber student license pursuant to § 328.150.1, RSMo, and § 328.150.2(2), RSMo.

9. 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.

10. The Board issues this Order in lieu of denial of Boyle's application for a barber student license. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

11. Based on the foregoing, Antoine Lee Boyle is granted a barber **student license**, which is hereby placed on **PROBATION** for the period during which he is enrolled in barber school and receiving training hours, not to exceed five (5) years from the effective date of this Order. During the aforementioned probation, Antoine Lee Boyle shall be entitled to enroll as a barber student subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

12. During the aforementioned probation, Antoine Lee Boyle, shall be entitled to enroll as a barber student subject to the following terms and conditions:
- A. During the disciplinary period, Applicant shall comply with all provisions of Chapter 328, 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 accept and comply with unannounced visits from the Board's representatives to monitor compliance with the terms and conditions of this Order.
 - D. During the disciplinary period, Applicant shall appear in person for interviews with the Board or its designee upon request.
 - E. 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, 2015.
 - F. If, at any time during the probationary period, Applicant changes Applicant's address from the state of Missouri, or ceases to maintain Applicant's student license current or active under the provisions of Chapter 328, 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.
 - G. 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.
 - H. 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.

- I. Any failure by Applicant to comply with any condition of discipline set forth herein constitutes a violation of this Order.

13. 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 328, RSMo, or the regulations promulgated thereunder.

14. The Board will maintain this Order as an open, public record of the Board as provided in Chapters 328, 329, 610 and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 27th DAY OF FEBRUARY, 2015.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS

Emily R. Carroll

Emily R. Carroll, Executive Director