

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

In the Matter of the Application of            )  
  )  
**HUGH J. BRADLEY,**                                    )  
  )  
Applicant.    )

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS ISSUING A PROBATIONARY  
BARBER STUDENT LICENSE TO HUGH J. BRADLEY**

The Missouri State Board of Cosmetology and Barber Examiners (the "Board") hereby issues its **ORDER** granting a **PROBATIONARY BARBER STUDENT LICENSE**, License No. 2013044956 to Hugh J. Bradley ("Bradley" or "Applicant"), pursuant to the provisions of § 324.038, RSMo.<sup>1</sup> As set forth in § 324.038.2, RSMo, Bradley 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 Bradley 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:

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

**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 July 26, 2012, Bradley applied for a Missouri barber student license to enroll at Eclips, 9140 Overland Plaza, Overland, Missouri.

3. On his application, Bradley 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 his July 26, 2012 application, Bradley provided an explanation of his criminal history. In his explanation, Bradley stated that he was convicted of statutory rape on October 5, 2009. He stated he did not serve time in jail but was placed on house arrest for 120 days and ordered to serve five years' probation to end in 2014.

5. On or about October 4, 2012, the Board sent Bradley a letter requesting him to appear before the Board to discuss his convictions at the Board's November 18, 2012 meeting. Bradley did not appear. The Board sent Bradley a letter dated November 21, 2012 stating that the Board would not consider his application for student license until he appeared before the Board. The Board received a letter from Bradley on December 7, 2012. Bradley stated that he missed the appointment because he could not leave the Community Release Center where he was living at the time. He apologized for any inconvenience and requested another date to meet with

the Board. The Board scheduled Bradley for its January 27, 2013 board meeting and notified Bradley of the appointment in a letter dated January 3, 2013. Bradley did not appear. On February 1, 2013, the Board sent Bradley another letter stating it would not consider his application until he appeared before the Board. The Board received a response from Bradley on May 17, 2013 requesting another date to appear. Bradley stated he had missed a few appointments due to transportation issues and apologized for missing the appointments. On July 3, 2013, the Board sent Bradley a letter scheduling him for the Board's July 21, 2013 meeting. Bradley did not appear. On July 25, 2013, the Board sent Bradley another letter stating it would not consider his application until he appeared before the Board. On November 7, 2013, Bradley again requested another appointment, stating he had missed the other appointments due to transportation issues and apologizing for missing the appointments. The Board scheduled Bradley for its November 24, 2013 meeting. Bradley appeared before the Board.

6. On or about October 5, 2009, Bradley pled guilty to the class C felony of statutory rape in the second degree in the Circuit Court of St. Louis County, Missouri, in case number 08SL-CR06024-01. The Court sentenced Bradley to five years' incarceration in the Missouri Department of Corrections. The Court suspended the execution of sentence and placed Bradley on five years' supervised probation. The Court ordered 120 days of house arrest, to register as a sex offender and have no contact with the victim.

7. On or about October 6, 2005, Bradley pled guilty to the class C misdemeanor of exceeding the posted speed limit by 16-19 miles per hour in the Circuit Court of St. Louis County, Missouri, in case number 2105T-08697. The Court sentenced Bradley to a \$75 fine. Bradley also pled guilty to the infraction of failure to wear a safety belt. The Court sentenced Bradley to a \$10 fine.

## II.

### CONCLUSIONS OF LAW

8. 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.

9. The Board has cause to deny or refuse Bradley'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[.]

10. As a result of Bradley's actions as set forth in paragraphs 2 through 7 above, the Board has cause to deny or refuse Bradley's application for a barber student license pursuant to § 328.150.1, RSMo, and § 328.150.2(2), RSMo.

11. 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.

12. The Board issues this Order in lieu of denial of Bradley'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

13. Based on the foregoing, Hugh J. Bradley is granted a barber student license, which is hereby placed on **PROBATION** for the period during which she 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, Hugh J. Bradley shall be entitled to enroll as a barber student subject to the following terms and conditions.

### IV.

#### TERMS AND CONDITIONS

14. During the aforementioned probation, Hugh J. Bradley, 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 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, 2014.
- 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 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.*
- 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.

15. 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.

16. 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 20<sup>th</sup> DAY OF DECEMBER, 2013.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS



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Emily Carroll, Executive Director