SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD OF COSMETOLOGY AND BARBER EXAMINERS AND BREEZE UNISEX HAIR SALON AND PATRICIA CAMPBELL, OWNER

Come now Breeze Unisex Hair Salon, Patricia Campbell, Owner (collectively, "Licensee") and the Missouri Board of Cosmetology and Barber Examiners ("Board") and enter into this settlement agreement for the purpose of resolving the question of whether Licensee's cosmetology establishment license, barber establishment license and "Class CA – hairdressing and manicuring" license will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,[1] the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensee's licenses, and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo.

Licensee acknowledges that Licensee understands the various rights and privileges afforded Licensee by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by a preponderance of evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee and, subsequently, the right to a disciplinary hearing before the Board at which time Licensee may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against Licensee's licenses. Being aware of these rights provided her by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this settlement agreement and agrees to abide by the terms of this document, as they pertain to Licensee.

Licensee acknowledges that Licensee has received a copy of the inspection reports and other documents relied upon by the Board in determining there was cause to discipline Licensee's licenses, along with citations to law and/or regulations the Board believes was violated.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Board that Licensee's cosmetology establishment license, number 042148, "Class CA – hairdressing and manicuring" license, number 085651, and barber establishment

---

[1] All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

license, number 006743 are subject to disciplinary action by the Board in accordance with the provisions of Chapters 621, 328 and 329, RSMo.

Joint Stipulation of Fact and Conclusions of Law

1. The Missouri Board of Cosmetology and Barber Examiners ("Board") is an agency of the State of Missouri created and established pursuant to § 329.015, RSMo, for the purpose of executing and enforcing the provisions of Chapters 328 and 329, RSMo.

2. Licensee holds a cosmetology establishment license, license number 042148, for Breeze Unisex Hair Salon, located at 3516 St. Louis Avenue, St. Louis, Missouri 63106. Licensee holds a barber establishment license, license number 006743, for Breeze Unisex Hair Salon, located at 3516 St. Louis Avenue, St. Louis, Missouri 63106. Licensee holds a "Class CA – hairdressing and manicuring" license, license number 085651. All three of Licensee's aforementioned licenses were at all times relevant herein, and are now, current and active.

3. On or about March 28, 2014, the Board received a Complaint Report from Roshonda M. Rice alleging that on February 18, 2014, her son sustained a cut to his right ear while receiving a haircut from "Richard" at Breeze Unisex Hair Salon.

4. On or about April 1, 2014, the Board conducted a routine inspection at Breeze Unisex Hair Salon. Owner Patricia Campbell was present during the inspection and Breeze Unisex Hair Salon was open for business. The inspection revealed the following violation: individuals performing services did not have current licenses posted, in violation of 20 CSR 2085-7.040(2)(A), 20 CSR 2085-10.010(3)(A) and 20 CSR 2085-5.040(2)(A). On or about April 15, 2014, the Board sent Licensee a violation notice following the April 1, 2014 inspection.

5. On or about April 30, 2014, the Board conducted an inspection of Breeze Unisex Hair Salon. Owner Patricia Campbell was present during the inspection and Breeze Unisex Hair Salon was open for business. The inspection revealed the following violations: operator Darrell D. Jefferson's posted license was not current and he did not have a current and active operator license, in violation of 20 CSR 2085-10.010(3)(A) and 20 CSR 2085-5.040(2)(A) and operator Maria A. Jones' posted license was not current, in violation of 20 CSR 2085-10.010(3)(A) and CSR 2085-7.040(2)(A).

6. On or about October 17, 2014, the Board conducted an inspection of Breeze Unisex Hair Salon. Owner Patricia Campbell was present during the inspection and Breeze Unisex Hair Salon was open for business. The inspection revealed that all prior violations had been corrected and no new violations were noted.

7. 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.

8. Section 328.020, RSMo, States:

> It shall be unlawful for any person to practice the occupation of a barber in this state, unless he or she shall have first obtained a license, as provided in this chapter.

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

> ...
>
> (3) Display of license. Establishment licenses shall be posted within the establishment in plain view at all times so that it may be easily seen by the public. Establishment licenses issued to a station or booth rental establishment shall be posted in plain view at the respective work station.
>
> > (A) Operator licenses, apprentice licenses, or student temporary permits shall either be posted at each respective assigned work station or all posted together in one (1) conspicuous, readily accessible, central location within the establishment area that will allow easy identification of the persons working in the establishment by clients, board representatives, or the general public.

10. Regulation 20 CSR 2085-5.040(2)(A) states:

> ...
>
> (2) Renewals. Every two (2) years (biennially) the renewal application for active licensees must be completed, signed, accompanied by the appropriate renewal fee, and returned to the board office prior to the expiration date of the license. All licenses shall expire on September 30 of each odd-numbered year. Any application postmarked after September 30 will be returned and the applicant will be required to reinstate.
>
> > (A) Any barber whose license has expired who wishes to restore the license shall make application to the board by submitting the following within two (2) years of the license renewal date:
> >
> > 1. An application for renewal of licensure; and
> > 2. The current renewal fee and the reinstatement fee, as set forth in 20 CSR 2085-3.010.

11. Regulation 20 CSR 2085-7.040(2)(A) states:

...

> (2) Renewals. Every two (2) years (biennially) the renewal application for active licensees must be completed, signed, accompanied by the appropriate renewal fee, and returned to the board office prior to the expiration date of the license. All licenses shall expire on September 30 of each odd-numbered year. Any application postmarked after September 30 will be returned and the applicant will be required to reinstate.
>
> > (A) Any cosmetologist whose license has expired who wishes to restore the license shall make application to the board by submitting the following within two (2) years of the license renewal date:
> >
> > 1. Reinstatement application for renewal of licensure; and
> > 2. The current renewal fee and the late fee, as set forth in 20 CSR 2085-7.050.

12. As a result of the violations, as described above in paragraphs 3 through 6, in violation of the statutes and regulations contained in paragraphs 7 through 11, Licensee violated lawful regulations adopted pursuant to chapters 328 and 329, RSMo.

13. Cause exists for the Board to take disciplinary action against Licensee's cosmetology establishment license and "Class CA – hairdressing and manicuring" license under § 329.140.2(6), (10) and (12) RSMo, which states in pertinent part:

> 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:
>
> ...
>
> > (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;
> >
> > ...
> >
> > (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice under this chapter;
> >
> > ...
> >
> > (12) Failure to display a valid license if so required by this chapter or any rule promulgated hereunder;

14. Cause exists for the Board to take disciplinary action against Licensee's barber establishment license, under § 328.150.2(6), (10) and (12) RSMo, which states in pertinent part:

> 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:
>
> ...
>
> (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;
>
> ...
>
> (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice under this chapter;
>
> ...
>
> (12) Failure to display a valid license if so required by this chapter or any rule promulgated hereunder;

Joint Agreed Disciplinary Order

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of § 621.045, RSMo:

15. The terms of discipline shall include that the cosmetology establishment, "Class CA – hairdressing and manicuring" and barber establishment licenses be placed on **PROBATION** for a period of three (3) years. During Licensee's probation, Licensee shall be entitled to offer and engage in the practice of barbering under Chapter 328, and cosmetology under Chapter 329, RSMo, provided Licensee adheres to all of the terms of his Settlement Agreement.

I. GENERAL REQUIREMENTS

A. Licensee shall correct all violations and meet with the Board or its representatives at such times and places as required by the Board after notification of a required meeting.

B. Licensee shall submit reports to the Missouri Board of Cosmetology and Barber Examiners, Post Office Box 1062, Jefferson City, Missouri 65102, stating truthfully whether Licensee has complied

with all the terms and conditions of this Settlement Agreement by no later than January 1 and July 1 during each year of the disciplinary period. The first report shall be due July 1, 2015.

C. Licensee shall keep the Board apprised of Licensee's current home and work addresses and telephone numbers. Licensee shall inform the Board within ten days of any change of home or work address and home or work telephone number.

D. Licensee shall comply with all provisions of Chapters 328 and 329, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.

E. During the disciplinary period, Licensee shall timely renew Licensee's licenses and timely pay all fees required for licensing and comply with all other board requirements necessary to maintain Licensee's licenses in a current and active state.

F. If at any time during the disciplinary period, Licensee removes Licensee from the state of Missouri, ceases to be currently licensed under provisions of Chapters 328 and 329, RSMo, or fails to advise the Board of Licensee's current place of business and residence, the time of Licensee's absence, unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed in accordance with §§ 328.150 and 329.140, RSMo.

G. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor Licensee's compliance with the terms and conditions of this Settlement Agreement.

H. If Licensee fails to comply with the terms of this Settlement Agreement, in any respect, the Board may impose such additional or other discipline that it deems appropriate, (including imposition of the revocation).

I. This Settlement Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapters 328 and 329, RSMo, by Licensee not specifically mentioned in this document.

16. The parties to this Agreement understand that the Missouri Board of Cosmetology and Barber and Examiners will maintain this Agreement as an open record of the Board as provided in Chapters 328, 329, 610 and 324, RSMo.

17. The terms of this settlement agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this settlement agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

18. Licensee, together with Licensee's heirs and assigns, and Licensee's attorneys, do hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited

to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of this settlement agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this settlement agreement in that it survives in perpetuity even in the event that any court of law deems this settlement agreement or any portion thereof to be void or unenforceable.

19. If no contested case has been filed against Licensee, Licensee has the right, either at the time the settlement agreement is signed by all parties or within fifteen days thereafter, to submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the settlement agreement constitute grounds for denying or disciplining the licenses of the licensee. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit this request to: **Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65101.**

20. If Licensee has requested review, Licensee and Board jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensee's licenses and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's licenses. Effective the date the Administrative Hearing Commission determines that the agreement sets forth cause for disciplining Licensee's licenses, the agreed upon discipline set forth herein shall go into effect.

LICENSEE

Patricia Campbell

Breeze Unisex Hair Salon
Patricia Campbell, Owner

Patricia Campbell

Patricia Campbell

Date April 11, 2016

BOARD

Emily R. Carroll

Emily R. Carroll,
Executive Director
Missouri Board of Cosmetology and Barber Examiners

Date 5/14/2016