

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

In the Matter of the Application of)
)
ALEXIS D. BUTLER,)
)
Applicant.)

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS ISSUING A PROBATIONARY
COSMETOLOGY STUDENT LICENSE TO ALEXIS D. BUTLER**

The Missouri State Board of Cosmetology and Barber Examiners (the "Board") hereby issues its **ORDER** granting a **PROBATIONARY COSMETOLOGY STUDENT LICENSE**, License No. 2009023364 to Alexis D. Butler ("Butler" or "Applicant"), pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Butler 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 Butler 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:

I.

FINDINGS OF FACT

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo,¹ 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 November 12, 2013, Alexis D. Butler applied for a cosmetology student license to enroll at Vandalia Institute of Cosmetology, 1101 E. Highway 54, Vandalia, Missouri.

3. On her application, Applicant 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. With her application, Butler provided a statement regarding her answer of “yes” to the question regarding criminal history. She stated that she “was convicted of robbery 2nd degree, stealing over, and resisting arrest.”

5. Butler further stated that she is incarcerated in a felony charge of robbery second. She stated that in December 2011 she demanded the purse of an unknown woman. She told the woman that if she did not do as Butler demanded, she would hurt the woman. Butler stated no weapon was involved. Butler also stated that in 2012 she was with someone who stole a television from Walmart and she was charged with the same charge, the class C felony of Stealing over \$500. Finally, Butler stated that in 2013, while riding with someone, they were stopped by the police. Butler stated that because she knew she was “wanted” she ran. She stated

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

that once the officer stated he would shoot if she did not stop, she stopped and was arrested and charged with the class D felony of Resisting Arrest.

6. On or about February 13, 2009, Butler pled guilty to the class C misdemeanor of Failure to Maintain Financial Resources of a Vehicle in the Circuit Court of St. Louis County, Missouri, case number 07SL-CR07121. The Court sentenced Butler to one day in jail.

7. On or about March 23, 2010, Butler pled guilty to the class A misdemeanor of Theft/Stealing with a value less than \$500, in the Circuit Court of St. Louis County, Missouri, case number 0922-CR00739-01. The Court suspended the imposition of sentence and placed Butler on two years' supervised probation and ordered her to make restitution. On or about November 2, 2011, the Court suspended Butler's probation and issued a warrant.

8. On or about September 13, 2013, Butler pled guilty to the class D felony of Resisting or Interfering with Arrest for a Felony in the Circuit Court of St. Louis County, Missouri, case number 13SL-CR04047-01. The Court sentenced Butler to four year in Missouri Department of Corrections to be served concurrently with the sentences in paragraphs 9 and 10 herein.

9. On or about September 13, 2013, Butler pled guilty to the class B felony of Robbery in the 2nd degree, in the Circuit Court of St. Louis County, Missouri, case number 13SL-CR02786-01. The Court sentenced Butler to seven years' incarceration to be served concurrently with the sentences in paragraphs 8 and 10 herein.

10. On or about September 13, 2013, Butler pled guilty to the class C felony of theft/stealing with value between \$500 and \$25,000 in the Circuit Court of St. Louis County, Missouri, case number 12SL-CR12755-01. The Court sentenced Butler to seven years' incarceration to be served concurrently with the sentences in paragraphs 8 and 9 herein.

II.

CONCLUSIONS OF LAW

11. 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 his 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 Butler's application for a cosmetology student 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:

- (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[.]

13. As a result of Butler's actions as set forth in paragraphs 3 through 10 above, the Board has cause to deny or refuse Butler's application for a cosmetology student 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, 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 Butler'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

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

IV.

TERMS AND CONDITIONS

17. During the aforementioned probation, Alexis D. Butler shall be entitled to enroll as a cosmetology student subject to the following terms and conditions:

- A. During the disciplinary period, Applicant 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, 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.

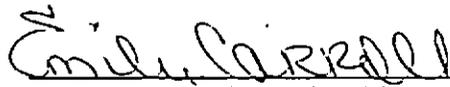
- C. During the probationary period, Applicant shall timely renew Applicant's student license granted hereby and shall timely pay all fees required for licensure and comply with all other Board requirements necessary to maintain said license in a current and active state.
- D. During the probationary 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 cosmetology student 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 Applicant to comply with any condition of discipline set forth herein constitutes a violation of this Order.

18. 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 329, RSMo, or the regulations promulgated thereunder.

19. 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 20th DAY OF DECEMBER, 2013.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily Carroll, Executive Director