

I.

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 April 14, 2015, Childers applied for a Missouri barber student license to enroll at Transformed Barber and Cosmetology Academy, LLC, 1229 E. 63rd Street, Kansas City, Missouri.

3. On his application, Childers 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 April 14, 2015 application, Childers provided an explanation of his criminal history. In his explanation, Childers acknowledged his criminal history and noted that he holds himself accountable for past indiscretions. He stated that he is seeking a “positive direction” and that barbering school will provide that opportunity to him.

5. A review of Childers’ Missouri criminal history reveals:

- a. On or about September 15, 2006, Childers pled guilty to the class C felony charge of Physically Take Property Appropriated From Victim, in the Circuit Court of Jackson, Missouri, case number 0516-CR08419-01. The Court sentenced

Childers to 4 years' DOC incarceration, suspended execution of sentence and placed Childers on 3 years' supervised probation.

- b. On or about June 6, 2007, Childers pled guilty to the class C felony charge of Burglary – 2nd degree, in the Circuit Court of Jackson, Missouri, case number 0716-CR00619-01. The Court sentenced Childers to 3 years' DOC incarceration, suspended execution of sentence and placed Childers on 3 years' supervised probation.
- c. On or about June 26, 2007, Childers pled guilty to the class A misdemeanor charge of Oper Mtr Veh On Hwy While Driver License/Privilege Revkd (Revkd For Points/Fail To Submit To Chem Test), in the Circuit Court of Henry, Missouri, case number 06HE-CR00424. The Court sentenced Childers to 10 days' jail incarceration, with credit given for 10 days of time served in the Jackson County jail.
- d. On or about March 15, 2010, Childers pled guilty to the class D felony charge of Resisting Arrest/Detention/Stop By Fleeing – Creating A Substantial Risk Of Serious Injury/Death To Any Person; the class A misdemeanor charge of Dwi – Alcohol – Prior Offender and the class A misdemeanor charge of Oper Mtr Veh On Hwy While Driver License/Privilege Revkd (Revoked For Abuse And Lose Law), in the Circuit Court of Jackson, Missouri, case number 0816-CR05541. The Court sentenced Childers to 4 years' DOC incarceration on the felony charge, suspended execution of sentence and ordered 4 years' supervised probation. On or about October 11, 2012, SES was revoked and sentence was ordered to be executed with credit for time served. Childers was sentenced by the Court to 180

days jail incarceration for the two misdemeanor charges, execution of sentence was suspended and Childers was placed on 2 years' probation. On or about October 11, 2012, the SES on both misdemeanor charges was revoked and the Court's sentence for Childers was ordered to be executed with credit given for time served.

- e. On or about April 26, 2013, Childers pled guilty on four separate charges of the class C felony of Assault 2nd Degree – Operate Vehicle While Intoxicated Resulting In Injury and the unclassified misdemeanor charge of Driving While Revoked/Suspended – 2nd Or Subsequent Offense, in the Circuit Court of Jackson, Missouri, case number 1116-CR04985-01. The Court sentenced Childers to 7 years' DOC incarceration on each of the four class C felonies and 100 days' jail incarceration on the misdemeanor charge.

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 Childers' 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 Childers' criminal history as detailed in paragraph 5 above, the Board has cause to deny or refuse Childers' 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 Childers' 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, Kaylon Joshua Childers 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, Kaylon Joshua Childers 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, Kaylon Joshua Childers, 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 January 1, 2016.
- 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.

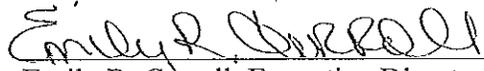
- H. Unless otherwise specified by the Board, all reports, documentation, notices, or other materials required to be submitted to the Board shall be forwarded to: Missouri State Board of Cosmetology and Barber Examiners, P.O. Box 1062, Jefferson City, Missouri 65102.
- I. Any failure by Applicant to 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 9th DAY OF October 2015.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director