BEFORE THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

STATE BOARD OF COSMETLOGY AND BARBER EXAMINERS,	)	
Petitioner,	)	License numbers: 074724
v.	)	030318
ALICIA DAVIS (BREWER), OWNER, CARRIE'S BEAUTY CAROUSEL	)	
Respondent.	)	

ORDER OF THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
DISCIPLINING THE INDIVIDUAL COSMETOLOGY LICENSE AND
THE COSMETOLGY ESTABLISHMENT LICENSE OF
ALICIA DAVIS (BREWER), OWNER OF CARRIE'S BEAUTY CAROUSEL

On or about February 2, 2005, the Board of Cosmetology and Barber Examiners ("Board") and Alicia Davis, individually and doing business as Carrie's Beauty Carousel, entered into a "Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission, and the State Board of Cosmetology, and Disciplinary Order with Joint Proposed Findings of Fact and Conclusions of Law" (hereafter "Settlement Agreement") placing Alicia Davis' individual and establishment cosmetology licenses, license numbers 074724 and 030318, on probation for five years.

On October 21, 2010, the Board filed a Probation Violation Complaint alleging violations of probation that occurred on September 18, 2009 and January 12, 2010. Respondent's five year probationary period did not end until February 2, 2010.

On November 8, 2010, at approximately 1:00 p.m., the Board held a hearing pursuant to notice and § 621.110 and § 324.042, RSMo 2000, at the Division of Professional Registration,

3605 Missouri Boulevard, Jefferson City, Missouri 65102, for the purpose of determining whether there had been violation(s) of the probationary terms set forth in the Settlement Agreement. The Board was represented by Legal Counsel Tina Crow Halcomb. Respondent received proper notice and opportunity to appear but did not appear in person or through legal counsel. After being present and considering all of the evidence presented during the hearing, the Board issues the following Findings of Facts, Conclusions of Law and Order.

I.

Based upon the foregoing the Board hereby states:

FINDINGS OF FACT

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo Cum. Supp. 2009, 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.[1]

2. Respondent, Alicia Davis, is a natural person and is the owner of Carrie's Beauty Carousel located at 6306 W. Florissant, Jennings, Missouri 63136. Alicia Davis has also been known as Alicia Brewer.

3. Alicia Davis holds a class-CA Cosmetology license issued by the Board, license number 074724.

4. Alicia Davis, d.b.a. Carrie's Beauty Carousel holds a cosmetology establishment license issued by the Board, license number 030318.

[1] Unless otherwise specified, all statutory references are to the Revised Statutes of Missouri (RSMo) 2000, as amended.

5. On or about February 2, 2005, Alicia Davis entered into a Settlement Agreement placing both her individual cosmetology license (license number 074724) and her cosmetology establishment license (license number 030318) on probation for a period of five years on the basis of violations found by the Board and stipulated by the parties.

6. During the disciplinary period set out in the Settlement Agreement, Alicia Davis was entitled to operate as an individual cosmetologist and Alicia Davis d.b.a. Carrie's Beauty Carousel was entitled to operate as a cosmetology establishment under Chapter 329, RSMo, provided Alicia Davis and Alicia Davis d.b.a. Carrie's Beauty Carousel adhered to all of the terms and conditions of the respective Settlement Agreement.

7. The Settlement Agreement states, on page 12, section 3C, as a term and condition, that Respondent "shall timely renew her class-CA cosmetology license and the salon license that she holds for Carrie's Beauty Carousel, timely pay all fees required for license renewal, and comply with all other requirements necessary to maintain salon and individual licenses that are current and active."

8. The Settlement Agreement also states, on page 12, section 3D, as a term and condition, that Davis "shall comply with the provisions of chapter 329, RSMo (as amended); all regulations promulgated thereunder; and all local, state and federal laws."

9. The Settlement Agreement further states, on page 14, section 7, that "[i]f any alleged violation of this [Settlement Agreement] occurred during the disciplinary period, the parties agree that the board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Davis agrees and stipulates that the

board has continuing jurisdiction to hold a hearing to determine if a violation of this [Settlement Agreement] has occurred."

10. On or about September 18, 2009, during the probationary period, the board's inspector conducted an inspection of Carrie's Beauty Carousel. During this inspection, the inspector found Alicia Davis performing cosmetology services on a customer. At the time of this inspection, Alicia Davis' individual cosmetology license had expired due to non-renewal. At the time of this inspection, Alicia Davis d.b.a. Carrie's Beauty Carousel's cosmetology establishment license had also expired due to non-renewal. Alicia Davis signed the inspector's report form.

11. On or about January 12, 2010, during the probationary period, the board's inspector again conducted an inspection of Carrie's Beauty Carousel. During this inspection, the inspector found Alicia Davis performing cosmetology services on a customer. At the time of this inspection, Alicia Davis' individual cosmetology license had expired due to non-renewal. At the time of this inspection, Alicia Davis d.b.a. Carrie's Beauty Carousel's cosmetology establishment license had also expired due to non-renewal.

12. The Board set this matter for probation violation hearing and served notice of the hearing upon Respondent in a proper and timely fashion.

II.

CONCLUSIONS OF LAW

13. This Board has jurisdiction over this proceeding pursuant to §§ 621.110 and 324.042, RSMo, and pursuant to the terms of the Settlement Agreement.

14. Pursuant to § 324.042, RSMo,

> Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a

licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary hearing.

15. Section 329.030, provides:

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.

16. Section 329.045.1, provides:

Every establishment in which the occupation of cosmetology is practiced shall be required to obtain a license from the board. Every establishment required to be licensed shall pay to the board an establishment fee for the first three licensed cosmetologists esthetician and/or manicurists, and/or apprentices and an additional fee for each additional licensee. The fee shall be due and payable on the renewal date and, if the fee remains unpaid thereafter, there shall be a late fee in addition to the regular establishment fee or, if a new establishment opens any time during the licensing period and does not register before opening, there shall be a delinquent fee in addition to the regular establishment fee. The license shall be kept posted in plain view within the establishment at all times.

17. Section 329.120, provides:

The holder of a license issued by the board who continues in active practice or occupation shall on or before the license renewal date renew the holder's license and pay the renewal fee. A license which has not been renewed prior to the renewal date shall expire on the renewal date. The holder of an expired license may have the license restored within two years of the date of expiration without examination, upon the payment of a delinquent fee in addition to the renewal fee.

18. By providing cosmetology services on September 18, 2009 and January 12, 2010, during her probationary period, without an active individual cosmetology license, Alicia Davis violated §§ 329.030, 329.045.1 and 329.120, and in doing so violated the Settlement Agreement. Accordingly, Alicia Davis' individual cosmetology license and cosmetology establishment license are subject to further discipline by the Board.

19. By providing cosmetology services on September 18, 2009 and January 12, 2010, during her probationary period, in a cosmetology shop that lacked an active cosmetology establishment license, Alicia Davis violated §§ 329.030, 329.045.1 and 329.120, and in doing so violated the Settlement Agreement. Accordingly, Alicia Davis' individual cosmetology license and cosmetology establishment license are subject to further discipline by the Board.

20. As a result of the foregoing, Respondent's individual cosmetology license and Respondent's cosmetology establishment license are subject to further disciplinary action by the Board pursuant to § 324.042, RSMo.

21. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Having fully considered all the evidence before the Board, it is the **ORDER** of the Board that Alicia Davis' individual cosmetology license (license number 074724) and Alicia Davis d.b.a. Carrie's Beauty Carousel's cosmetology establishment license (license no. 030318) are hereby each **REVOKED** as of the effective date of this Order.

Alicia Davis shall immediately return her individual cosmetology license (license number 074724) and any other indicia of such licensure to the Board.

Alicia Davis d.b.a. Carrie's Beauty Carousel shall immediately return her cosmetology establishment license, (license number 030318), and any other indicia of such licensure to the Board.

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

SO ORDERED, EFFECTIVE THIS 16 DAY OF December, 2010.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS

Emily Carroll

Emily Carroll, Executive Director