

5. Respondent operates a cosmetology rental space at Cherokee Kuts, an unlicensed establishment, located at 2901 Cherokee Street, St. Louis, Missouri 63118. Respondent is not an employee of Cherokee Kuts.

6. Respondent has been operating the rental space at Cherokee Kuts without a current and active cosmetology rental space establishment license and without displaying a valid rental space establishment license.

7. On or about August 20, 2015, the Board issued a Finding of Fact, Conclusions of Law, and Disciplinary Order ("Order"), which placed Respondent's "Class CA-hairdressing and manicuring" license on probation for three years for licensure violations, including operating the rental space at Cherokee Kuts without a rental space establishment license. The Order was effective August 20, 2015.

8. Pursuant to Terms and Conditions Section IV, Specific Requirement, Paragraph I., of the August 20, 2015 Order, Respondent was required to obtain her rental space establishment license within thirty days of the date of execution of the August 20, 2015 Order.

9. Inspections were conducted on September 23, 2015 and again on November 19, 2015, during both inspections it was found that Respondent had failed to obtain an establishment license a violation of the Terms and Conditions Section IV, Specific Requirement, Paragraph I., of the August 20, 2015 Order. Violation notices were sent to Respondent on October 6, 2015 and November 24, 2015, respectively.

10. On or about January 20, 2016, the Board's inspector conducted a follow-up inspection of Cherokee Kuts which revealed Respondent was continuing to offer to provide and had continued to provide services at Cherokee Kuts without an rental space establishment license, in violation of the Terms and Conditions Section IV, Specific Requirement, Paragraph I., of the August 20, 2015 Order and section 329.045.1, RSMo, and 20 CSR 2085-10.010.

11. Pursuant to Terms and Conditions Section IV, General Requirements, Paragraph II. A., of the August 20, 2015 Order, Respondent, "[d]uring the probationary period" was to ". . . 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."

12. On or about January 25, 2016, the Board conducted a probation violation hearing on a complaint alleging that Respondent, had failed to comply with the terms of her probation of her "Class CA-hairdressing and manicuring" operating license. Although duly noticed, Respondent failed to appear at the January 25, 2016 probation violation hearing.

13. On or About February 29, 2016, the Board issued its Findings of Fact, Conclusions of Law, and Disciplinary Order, finding that Respondent had violated the terms and conditions of Respondent's probation and the Board's August 20, 2015 Order.

14. The February 29, 2016 Order placed Respondent's "Class CA-hairdressing and manicuring" license on suspension for one year, or until Respondent became compliant in obtaining Respondent's rental space establishment license. Pursuant to paragraph 17 of the February 29, 2016 Order, Respondent was not to provide cosmetology services during the ordered period of suspension. The probationary period imposed by the August 20, 2015 Order was ordered to be tolled during the suspension and the license be returned to probation immediately upon conclusion of the suspension.

15. On or about March 16, 2016, the Board's inspector conducted an inspection at Cherokee Kuts, the inspection found the establishment open and Respondent was providing and/or offering to provide cosmetology services with her suspended license posted, while her operator's license was suspended, and while she did not have a rental space establishment license for the Cherokee Kuts location, in violation of paragraph 17 of the February 29, 2016 Order and in violation of §§ 329.030 and 329.045.1, RSMo and 20 CSR 2085-10.010 and 10.060.

16. On or about April 12, 2016, the Board sent Respondent a violation notice regarding the March 16, 2016 inspection.

17. On or about April 21, 2016, the Board's inspector conducted an inspection at Cherokee Kuts, the inspection found the establishment open and Respondent was providing and/or offering to provide cosmetology services with her suspended license posted, while her operator's license was suspended, and while she did not have a rental space establishment

license for the Cherokee Kuts location, in violation of paragraph 17 of the February 29, 2016 Order and in violation of §§ 329.030 and 329.045.1, RSMo and 20 CSR 2085-10.010 and 10.060.

18. On or about May 5, 2016, the Board sent Respondent a violation notice regarding the April 21, 2016 inspection.

Conclusions of Law

19. The Board has jurisdiction in this proceeding, pursuant to the August 20, 2015 and February 29, 2016 Orders and § 324.042 RSMo, to determine whether Respondent has violated the terms and conditions of the August 20, 2015 and February 29, 2016 Orders regarding her "Class CA-hairdressing and manicuring" operating license, license number 2005017638, as described in the Findings of Fact of this Order.

20. Section 324.042, RSMo, provides:

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.

21. The August 20, 2015 and February 29, 2016 Orders and § 324.042, RSMo, allow the Board to take such disciplinary action that the Board deems appropriate for failure to comply with the terms of August 20, 2015 and February 29, 2016 Orders.

Decision and Order

22. It is the decision of the Missouri State Board of Cosmetology and Barber Examiners that Respondent has violated the terms of the August 20, 2015 and February 29, 2016 Orders, and that her "Class CA-hairdressing and manicuring" operating license, license number 2005017638 is, therefore, subject to further disciplinary action.

23. The Missouri State Board of Cosmetology and Barber Examiners orders that Respondent's "Class CA-hairdressing and manicuring" operating license, license number 2005017638, be **REVOKED**, effective the date of this Order. If Respondent comes into compliance with the requirements of the August 20, 2015 Order within thirty (30) days of the date of this Order, the **REVOCATION** will be set aside and Respondent's "Class CA-hairdressing and

manicuring" operating license shall be immediately placed back on **PROBATION** for the remainder of the previously ordered three (3) year probationary period and subject to the terms and conditions of the August 20, 2015 Order.

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

SO ORDERED, EFFECTIVE THIS 16TH DAY OF AUGUST, 2016.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS

Emily R. Carroll

Emily R. Carroll, Executive Director

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

STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS,

Petitioner,

v.

QIANA DUNLAP,

Respondent.

Case No. 15-0004

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DISCIPLINARY ORDER**

At its regularly scheduled meeting on January 25, 2016, at approximately 9:00 a.m., and pursuant to notice described in the Findings of Fact, the Missouri State Board of Cosmetology and Barber Examiners ("Board") took up the probation violation complaint alleging that Qiana Dunlap ("Respondent"), has failed to comply with the terms of her probation of her class CA Hair Dressing and Manicuring operating license, license number 2005017638.

The board appeared at the hearing through its attorney Jamie Cox. Despite adequate notice, Respondent did not appear at the hearing in person and was not represented by legal counsel. Division of Professional Registration Legal Counsel Thomas Townsend served as the board's legal advisor at the hearing, during deliberations, and in the preparation of this order.

Findings of Fact

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

2. Respondent is a natural person whose address of record for the Board is 2901 Cherokee Street, St. Louis, Missouri 63118.

3. Respondent holds a "Class CA- hairdressing and manicuring" operating license, license number 2005017638.

4. Respondent's "Class CA- hairdressing and manicuring" operating license, license number 2005017638 is, and was at all relevant time, current and valid.

5. Respondent operates a cosmetology rental space at Cherokee Kuts, an unlicensed establishment, located at 2901 Cherokee Street, St. Louis, Missouri 63118. Respondent is not an employee of Cherokee Kuts.

6. Respondent has been operating the rental space at Cherokee Kuts without a current and active cosmetology rental space establishment license and without displaying a valid rental space establishment license.

7. On or about August 20, 2015, the Board issued its Finding of Fact, Conclusions of Law, and Disciplinary Order ("Order"), which placed Respondent's "Class CA- hairdressing and manicuring" license on probation for three years for licensure violations, including operating the rental space at Cherokee Kuts without an rental space establishment license. The Order was effective August 20, 2015.

8. Pursuant to Terms and Conditions Section IV, Specific Requirement, Paragraph I., of the August 20, 2015 Order, Respondent was required to obtain her rental space establishment license within thirty days of the date of execution of the August 20, 2015 Order.

9. On or about January 20, 2016, the Board's inspector conducted a follow-up inspection of Cherokee Kuts which revealed Respondent was continuing to offer to provide and has continued to provide services at Cherokee Kuts without a rental space establishment license in violation of section 329.045.1, RSMo, and 20 CSR 2085-10.010.

10. Pursuant to Terms and Conditions Section IV, General Requirements, Paragraph II. A., of the August 20, 2015 Order, Respondent, "[d]uring the probationary period" was to "... 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."

11. Respondent failed to obtain an establishment license within thirty days of the date of execution of the August 20, 2015 Order and continued to violate section 328.115.1, RSMo, and 20 CSR 2085-10.010.

12. Terms and Conditions Section IV, General Requirements, Paragraph II. I., of the August 20, 2015 Order, "[t]he 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."

Conclusions of Law

13. The Board has jurisdiction in this proceeding, pursuant to the August 20, 2015 Order and § 324.042 RSMo, to determine whether Respondent has violated the terms and conditions of the August 20, 2015 Order regarding her "Class CA- hairdressing and manicuring" operating license, license number 2005017638, as described in the Findings of Fact of this Order.

14. Section 324.042, RSMo, provides:

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. The August 20, 2015 Order and § 324.042, RSMo, allow the Board to take such disciplinary action that the Board deems appropriate for failure to comply with the terms of August 20, 2015 Order.

Decision and Order

16. It is the decision of the Missouri State Board of Cosmetology and Barber Examiners that Respondent has violated the terms of the August 20, 2015 Order, and that her "Class CA- hairdressing and manicuring" operating license, license number 2005017638 is, therefore, subject to further disciplinary action.

17. The Missouri State Board of Cosmetology and Barber Examiners orders that Respondent's "Class CA- hairdressing and manicuring" operating license, license number 2005017638, be **SUSPENDED**, starting the effective date of this Order, for a period of one (1) year, or until Respondent is compliant in obtaining her rental space establishment license. During

such time of suspension, Respondent shall not provide cosmetology services. During Respondent's suspension, the probationary period ordered pursuant to the August 20, 2015 Order shall be tolled. At the conclusion of the ordered suspension, Respondent's "Class CA-hairdressing and manicuring" operating license shall be immediately placed back on **PROBATION** for the remainder of the previously ordered three (3) year probationary period and subject to the terms and conditions of the August 20, 2015 Order.

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

SO ORDERED, EFFECTIVE THIS 29th DAY OF February, 2016.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director

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

STATE BOARD OF COSMETOLOGY)
AND BARBER EXAMINERS,)
)
Petitioner,)
)
v.)
)
QIANA M. DUNLAP,)
)
Respondent.)

Case No. 14-1764 CB

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DISCIPLINARY ORDER**

On or about December 31, 2014, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Board of Cosmetology and Barber Examiners v. Qiana M. Dunlap*, Case No. 14-1764 CB. In that Default Decision, the Administrative Hearing Commission found that Respondent Qiana M. Dunlap's "Class CA - hairdressing and manicuring" license (license # 2005017638) is subject to disciplinary action by the Missouri Board Cosmetology and Barber Examiners ("Board") pursuant to § 329.140.2(5), (6), (12) and (13), RSMo.¹

The Board has received and reviewed the record of the proceedings before the Administrative Hearing Commission, including the properly pled complaint filed before the Administrative Hearing Commission on November 10, 2014 and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission, including the properly pled complaint and Default Decision, is incorporated herein by reference in its entirety.

Pursuant to notice and § 621.110 and § 329.140.3, RSMo, the Board scheduled a hearing to be held on July 20, 2015, at approximately 9:00 a.m. at the Main Conference Meeting Room at the Division of Professional Registration Building, 3605 Missouri Boulevard, Jefferson City, Missouri

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

65109, for the purpose of determining the appropriate disciplinary action against Respondent's license. At the July 20, 2015 disciplinary hearing, the Board was represented by attorney Jamie Cox. Despite proper and timely notice, Respondent was not present for the hearing and was not represented by 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

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, 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. Respondent holds a "Class CA - hairdressing and manicuring" license (license # 2005017638). Respondent's license was at all times, relevant to the Complaint filed, and is now, current and active.

3. The Board hereby adopts and incorporates by reference the properly pled complaint and Default Decision of the Administrative Hearing Commission in *Missouri Board of Cosmetology and Barber Examiners v. Qiana M. Dunlap*, Case No. 14-1764 CB, in its entirety. In that Default Decision the Administrative Hearing Commission determined that the Board filed a properly pled complaint before the Administrative Hearing Commission on or about November 10, 2014, that Respondent was served with the complaint by certified mail and that Respondent never filed an answer or otherwise responded to the complaint.

4. In its Default Decision, the Administrative Hearing Commission determined there was cause to discipline Respondent's licenses pursuant to § 329.140.2(5), (6), (12) and (13), RSMo, as established in the properly pled complaint, as a result of Respondent's offering services to

patrons for compensation at a cosmetology establishment known as Cherokee Kuts without an establishment license for her rental space.

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

II.

CONCLUSIONS OF LAW

6. This Board has jurisdiction over this proceeding pursuant to §§ 621.110 and 329.140.3, RSMo.

7. The Board expressly adopts and incorporates by reference the properly pled complaint and the Default Decision issued by the Administrative Hearing Commission on December 31, 2014, in *Missouri Board of Cosmetology and Barber Examiners v. Qiana M. Dunlap*, Case No. 14-1764 CB, and hereby enters its Conclusions of Law consistent therewith.

8. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision on December 31, 2014, Respondent's "Class CA - hairdressing and manicuring" license (license # 2005017638) is subject to disciplinary action by the Board pursuant to § 329.140.2(5), (6), (12) and (13), RSMo.

9. 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, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Board that Respondent's "Class CA - hairdressing and manicuring" license (license # 2005017638) shall

immediately be placed on PROBATION for a period of three (3) years ("probationary period"), subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Qiana M. Dunlap shall be entitled to perform cosmetologist services as a licensed cosmetologist subject to the following terms and conditions:

I. SPECIFIC REQUIREMENT

Respondent shall obtain her rental space establishment license within 30 days of the date of execution of this Agreement.

II. GENERAL REQUIREMENTS

- A. During the probationary period Respondent 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 probationary period, Respondent shall keep the Board informed of Respondent's current telephone number and address. Respondent shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Respondent shall timely renew Respondent's license and shall timely pay all fees required for licensure and comply with all other Board requirements necessary to maintain said licenses in a current and active state.
- D. During the probationary period, Respondent 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 probationary period, Respondent shall appear in person for interviews with the Board or its designee upon request.
- F. During the probationary period, Respondent 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.
- G. If, at any time during the probationary period, Respondent changes Respondent's address from the state of Missouri, or ceases to maintain Respondent's license as current or active

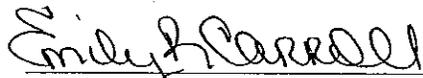
under the provisions of Chapter 329, RSMo, or fails to keep the Board advised of all current places of residence, the time of such absence, unlicensed or inactive status, or unknown whereabouts shall not be deemed or taken to satisfy any part of the probationary period.

- H. Upon expiration of the probationary period, Respondent's license shall be fully restored if all requirements of the law have been satisfied; provided, however, that in the event the Board determines that Licensee has violated any term or condition of this Order, the Board may, in its discretion, pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions or remedies concerning the allegations identified herein.
- I. 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.
- J. 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.
- K. Any failure by Respondent to comply with any condition of discipline set forth herein constitutes a violation of this Order.

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

SO ORDERED, EFFECTIVE THIS 20 DAY OF August, 2015.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director