

BEFORE THE MISSOURI  
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

STATE BOARD OF COSMETOLOGY )		
AND BARBER EXAMINERS, )		
	<del>State Board of Cosmetology and Barber Examiners</del>	
Petitioner, )		
	)	
v )		CASE # 08-2096 CB
	)	
BRIAN DUNN, )		
	)	
Respondent. )		

ORDER OF THE MISSOURI  
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS  
DISCIPLINING THE BARBER LICENSE OF BRIAN DUNN

On or about May 27, 2009, the Administrative Hearing Commission entered its Decision in the case of *State Board of Cosmetology and Barber Examiners v. Brian Dunn*, Case No. 08-2096 CB. In that Decision, the Administrative Hearing Commission found that Respondent Brian Dunn's barber license (license # 2001022014) is subject to disciplinary action by the Board pursuant to § 328.150.2(6), RSMo 2000.

The Board has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and § 621.110 and § 328.150.3, RSMo 2000, the Board held a hearing on September 21, 2009, at approximately 9:30 a.m., at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65102, for the purpose of determining the appropriate disciplinary action against Respondent's license. The Board was represented by

Legal Counsel Tina Crow Halcomb. Respondent, having received proper notice and opportunity to appear, 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 ~~\_\_\_\_\_~~

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 Cum. Supp. 2008, 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 (as amended).

2. The Board hereby adopts and incorporates by reference the Decision of the Administrative Hearing Commission in *State Board of Cosmetology and Barber Examiners v. Brian Dunn*, Case No. 08-2096 CB, in its entirety.

3. 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

4. This Board has jurisdiction over this proceeding pursuant to § 621.110 and § 328.150.3, RSMo.

5. The Board expressly adopts and incorporates by reference the Conclusions of Law contained in the Decision issued by the Administrative Hearing Commission on May 27, 2009, in *State Board of Cosmetology and Barber Examiners v. Brian Dunn*, Case No. 08-2096 CB, and hereby enters its Conclusions of Law consistent therewith.

6. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Order on May 27, 2009, Respondent's barber license is subject to disciplinary action by the Board pursuant to § 328.150.2(6), RSMo 2000.

7. 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 Decision of the Administrative Hearing Commission, it is the ORDER of the Board that the barber license of Brian Dunn (license no. 2001022014) is hereby SUSPENDED for sixty (60) days beginning with the date of this Order. However, should Brian Dunn obtain a barber establishment license from the Board or provide documentation to the Board satisfactorily demonstrating that he has obtained employment as a barber with an entity possessing a barber establishment license, the Board will end the term of suspension as of the date such establishment license is obtained or such documentation of barber employment is provided. This suspension shall be immediately followed by five (5) years PROBATION, to begin immediately following compliance with the terms ending suspension or immediately following the sixtieth day of suspension, whichever date is earlier. During the aforementioned probation, Dunn shall be entitled to practice as a licensed barber subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Dunn shall be entitled to practice as a licensed barber subject to the following terms and conditions:

- A. During the disciplinary period, Respondent 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, Respondent shall keep the Board informed of Respondent's current work and home address and telephone numbers. 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 barber 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, 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 disciplinary period, Respondent shall appear in person for interviews with the Board or its designee upon request.
- F. 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, 2010.
- 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 barber 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.
- 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 1335, Jefferson City, Missouri 65102.
- J. Any failure by Respondent to comply with any condition of discipline set forth herein constitutes a violation of this Order.

This Order does not bind the Board or restrict the remedies available to it concerning any violation by Respondent of the terms and conditions of this Order, Chapters 328 or 329, RSMo, or the regulations promulgated thereunder.

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 2<sup>nd</sup> DAY OF November, 2009.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS



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Darla Fox, Executive Director