

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

In the Matter of the Application of)
)
CARL HUMPHRIES,)
)
Applicant.)

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS ISSUING A PROBATIONARY
BARBER LICENSE TO CARL HUMPHRIES**

The Missouri State Board of Cosmetology and Barber Examiners (the "Board") hereby issues its ORDER granting a PROBATIONARY BARBER LICENSE, License No. 2011008696, to Carl Humphries (hereafter "Humphries"), pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Humphries 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 Humphries file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless or until such time as the Administrative Hearing Commission issues an Order to the contrary.

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 (as amended).

2. Carl Humphries currently resides at 8759 Lowell, St. Louis, MO 63147.

3. [REDACTED]

4. On or about August 5, 2009, Humphries applied for a barber student license with the Board.

5. On his student application form, Humphries answered no to the following question:

In the last ten (10) years have you been adjudicated and found guilty, or entered a plea of guilty or nolo contendere to a criminal prosecution under the laws of this State or any other State or of the United States, whether or not sentence was imposed?

6. Humphries attended Leonard's Barber Shop from November 17, 2009 to August 18, 2010. Humphries and Leonard's Barber Shop completed an affidavit of training and a Notice of Termination of Barber Student on or about August 18, 2010.

7. On or about September 30, 2010, the Humphries applied to take the written and practical barber examinations. On his application, Humphries 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 to a criminal prosecution under the laws of this State or any other State or of the United States, whether or not sentence was imposed?

8. On or about March 15, 2007, Humphries pled guilty in the 22nd Judicial Circuit, State of Missouri, case number 22069-03517 to the class A misdemeanor of possession of up to 35 grams marijuana for which Humphries was sentenced to 90 days in jail, suspended execution of sentence, one year probation.

9. On or about January 9, 2006, Humphries pled guilty in the 22nd Judicial Circuit, State of Missouri, case number 22051-02537-01 to the class C felony of theft/stealing with a value between \$500 and \$25,000 for which Humphries was sentenced to seven years incarceration, suspended execution of sentence, three years probation. Humphries probation was extended two years and completed on January 7, 2009.

II.

CONCLUSIONS OF LAW

10. The Board has authority to deny or refuse a license application pursuant to § 328.150.1, RSMo 2000, 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 the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

11. The Board has cause to deny or refuse Humphries' application for a barber license pursuant to § 328.150.2, RSMo 2000, 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;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

...

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact[.]

12. As a result of Humphries pleading guilty to possession of marijuana and theft/stealing, the Board has cause to deny or refuse Humphries' application for a barber license pursuant to § 328.150.1, RSMo, and § 328.150.2(2), (3), (4) and (11), RSMo.

13. As an alternative to refusing to issue a license, the Board may, at its discretion, issue a license subject to probation, pursuant to § 324.038.1, 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.

14. The Board issues this Order in lieu of denial of Humphries' application for a barber license. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Based on the foregoing, Carl Humphries is granted a barber license, which is hereby placed on PROBATION for a period of three (3) years from the effective date of this Order, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Carl Humphries shall be entitled to hold himself out as a licensed barber subject to the following terms and conditions:

- A. During the disciplinary period, Humphries shall comply with all provisions of Chapter 328, RSMo (as amended), 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, Humphries shall keep the Board informed of his current work addresses and home telephone numbers. Humphries shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Humphries shall timely renew his 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, Humphries 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, Humphries shall appear in person for interviews with the Board or its designee upon request.

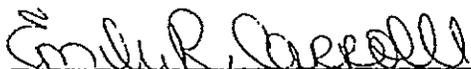
- F. Humphries shall submit written reports to the Board on or before January 1 and July 1 during each year of the probationary period stating truthfully whether there has been compliance with all terms and conditions of this Order. The first such report shall be received by the Board on or before July 1, 2011.
- G. If, at any time during the probationary period, Humphries changes his address from the state of Missouri, or ceases to maintain his barber license current or active under the provisions of Chapter 328, RSMo (as amended), 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 (as amended).
- 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 Humphries 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 324 and 328, RSMo (as amended), or the regulations promulgated thereunder.

The Board will maintain this Order as an open, public record of the Board as provided in Chapters 328, 610, and 324, RSMo (as amended).

SO ORDERED, EFFECTIVE THIS 28th DAY OF March, 2011.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director