

BEFORE THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

STATE BOARD OF COSMETOLOGY)
AND BARBER EXAMINERS,)
)
Petitioner,)
)
v.)
)
MARTIN R. HUNTER,)
)
Respondent.)

CASE # 10-0133 CB

ORDER OF THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
DISCIPLINING THE BARBER LICENSE OF
MARTIN R. HUNTER

On or about March 17, 2011, the Administrative Hearing Commission entered its Decision in the case of *State Board of Cosmetology and Barber Examiners v. Martin R. Hunter*, Case No. 10-0133 CB. In that Decision, the Administrative Hearing Commission found that Respondent Martin R. Hunter's Barber license (license # 2008013563) is subject to disciplinary action by the State Board of Cosmetology and Barber Examiners ("Board") pursuant to § 329.140.2 (4), (5), (6) and (13), RSMo 2000.¹

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 and Decision of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

¹ Unless otherwise specified, all statutory references are to the Revised Statutes of Missouri, as amended.

Pursuant to notice and §§ 621.110 and 329.140.3, the Board held a hearing on September 19, 2011, at approximately 1:30 p.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:

1.

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 (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. Martin R. Hunter*, Case No. 10-0133 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 § 329.140.3, 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 March 17, 2011, in *State Board of Cosmetology and Barber Examiners v. Martin R. Hunter*, Case No. 10-0133 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 March 17, 2011, Respondent's barber operator license, number 2008013563 is subject to disciplinary action by the Board pursuant to § 329.140.2 (4), (5), (6) and (13), RSMo.
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 operator license of Martin R. Hunter (license no. 2008013563) is hereby SUSPENDED for a total of nine days (9) days. This suspension shall occur on three consecutive Fridays, Saturdays and Sundays beginning ten (10) days after the effective date of this Order. Further, Respondent shall be placed on PROBATION for a period of three (3) years, to begin immediately upon the effective date of this Order. During the aforementioned probation, but

excluding the above specified periods of suspension, Respondent shall be entitled to practice as a licensed barber subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS:

During the aforementioned probation, Respondent 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 Chapters 328 and 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 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 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, 2012.
- 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 Chapters 328 and 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. 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 18 DAY OF October, 2011.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily Carroll, Executive Director