

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

STATE BOARD OF COSMETOLOGY)	
AND BARBER EXAMINERS,)	
)	
)	Petitioner,
)	
v.)	Case No. 2010007653
)	
REGINALD JAMES,)	
d/b/a Smoother Image Beauty & Barber,)	
)	Respondent.

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

At its regularly scheduled meeting on January 28, 2013, 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 Reginald James, d/b/a Smoother Image Beauty & Barber ("James") failed to comply with the terms of his probation of his barber operator license. The board appeared at the January 28, 2013 hearing through its attorney Tina Crow Halcomb. James appeared individually and without legal counsel by telephone for the January 28, 2013 hearing. Division of Professional Registration Chief Legal Counsel Earl Kraus was present at January 28, 2013 hearing as the board's legal advisor, 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. James is a natural person, whose address of record with the Board is 6829 E. Bannister Road, Kansas City, Missouri, 64134.

3. James holds a probationary barber license, license number 2003027438, issued by the Board. James' barber license is, and was at all times relevant herein, current and active.

4. James does not hold a barber establishment license for Smoother Image Beauty & Barber.

5. James owns and operates a barber establishment, Smoother Image Beauty & Barber, located at 6829 E. Bannister Road, Kansas City, Missouri 64134.

6. On or about February 16, 2012, the Board and James entered into a Settlement Agreement placing James' barber license on probation for three years as a result of practicing without a booth rental establishment license.

7. During the probationary period James was entitled to offer and engage in the practice of barbering pursuant to Chapter 328, RSMo, provided that he adhered to all the terms and conditions of the Settlement Agreement.

8. The February 16, 2012 Settlement Agreement, page 5, paragraph D, required that James comply with all provisions of Chapters 328 and 329, RSMo, all board regulations, all applicable federal and state drug laws, rules and regulations and all applicable federal and state criminal laws.

9. On or about July 3, 2012, the Board inspector conducted an inspection at Smoother Image Beauty & Barber. James was present at the time of the inspection. The Board's inspection revealed the following violations: Licensee did not have an establishment license for Smoother Image Beauty & Barber in violation of § 328.115, RSMo, and 20 CSR 2085-10.010(1)(C).

10. On or about July 18, 2012, James received a Probation Violation Notice, advising him of his failure to timely submit a written letter of compliance to the Board as

required by the February 16, 2012 Settlement Agreement, page 5, paragraph B. The written report was due July 1, 2012.

11. On or about July 20, 2012, James received a Violation Notice as a result of the Board's inspections. The Violation Notice stated that James was providing barbering services at Smoother Image Beauty & Barber without a current establishment license. The Violation Notice also stated it was unlawful for James to operate without a valid establishment license.

Conclusions of Law

12. The Committee has jurisdiction in this proceeding, pursuant to the February 16, 2012 Settlement Agreement and § 324.042, RSMo, to determine whether James violated the terms and conditions of the February 16, 2012 Settlement Agreement.

13. 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.

14. James violated the terms of discipline set forth in the February 16, 2012 Settlement Agreement, as described in the Findings of Fact of this Order by failing to submit a written letter of compliance as required and by operating a barber establishment without an establishment license.

15. The February 16, 2012 Settlement Agreement 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 February 16, 2012 Settlement Agreement, as described in the Findings of Fact of this Order.

Decision and Order

16. It is the decision of the Missouri State Board of Cosmetology and Barber Examiners that James violated the terms of the February 16, 2012 Settlement Agreement, and that his barber license is, therefore, subject to further disciplinary action.

17. The Missouri State Board of Cosmetology and Barber Examiners orders that the barber license for Reginald James, number 2003027438, be and is placed on two additional years of PROBATION. The additional two years will conclude February 16, 2017. James' current and additional probation shall be subject to the terms and conditions set forth below.

Terms and Conditions

18. During the aforementioned probation, James shall be entitled to offer and perform services as a licensed barber subject to the following terms and conditions:

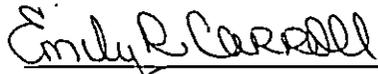
- A. During the disciplinary period, James shall comply with all provisions of Chapter 328 and 329, RSMo (as amended), all applicable board regulations, all applicable federal and state drug laws, rules and regulations and all applicable federal and state criminal laws. "State" includes the state of Missouri, all other states and territories of the United States, and the ordinances of their political subdivisions.
- B. During the disciplinary period, James shall keep the Board informed of his current work telephone numbers. James shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, James shall timely renew his 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, James 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, James shall appear in person for interviews with the Board or its designee upon request.
- F. James 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, 2013.

- G. If, at any time during the probationary period, James changes his address from the state of Missouri, or ceases to maintain his barber license current or active under the provisions of Chapters 328 and 329, 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 James to comply with any condition of discipline set forth herein constitutes a violation of this Order.

19. The Board will maintain this Order as an open and public record of the Board as provided in Chapters 328, 329, 610, and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 19 DAY OF FEBRUARY, 2013.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily Carroll, Executive Director