

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. 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. Steven Johnson currently resides at 103 West Ronbank Street, Charleston, Missouri 63834. [REDACTED]

3. On or about May 20, 2005, Johnson pled guilty to the class C felony of Tampering with Motor Vehicle in Scott County Circuit Court, case number 03CR744953-02. Johnson was sentenced to a period of five years in the Missouri Department of Corrections. Johnson received a Suspended Imposition of Sentence and was placed on probation for a period five years under the supervision of the State Board of Probation and Parole. Johnson's probation was later revoked and was sentenced to Missouri Department of Corrections for three years.

4. On or about June 29, 2005, Johnson pled guilty to the class C felony of Burglary-2nd degree in Scott County Circuit Court, case number 03CR745377-02. Johnson was sentenced in a period of five years in the Missouri Department of Corrections. Johnson received a Suspended Imposition of Sentence and was placed on probation for five years under the supervision of the State Board of Probation and Parole. Johnson's probation was later revoked and was sentenced to Missouri Department of Corrections for three years.

5. On or about April 26, 2004, Johnson pled guilty to the class C felony of Forgery in Cape Girardeau County Circuit Court, case number 04G9-CR00091-01. Johnson was

sentenced in a period of five years in the Missouri Department of Corrections. Johnson received a Suspended Imposition of Sentence and was placed on probation for five years under the supervision of the State Board of Probation and Parole. Johnson's probation was later revoked and was sentenced to Missouri Department of Corrections for three years.

6. On or about May 20, 2005, Johnson pled guilty to the class A misdemeanor of Receiving Stolen Property-Less Than \$500 in Scott County Circuit Court, case number 03CR745612-02. Johnson was sentenced in a period of two years in the Missouri Department of Corrections. Johnson received a Suspended Imposition of Sentence and was placed on probation for two years under the supervision of the State Board of Probation and Parole. Johnson's probation was later revoked and was sentenced to Incarceration Jail for 90 days.

7. On or about May 20, 2005, Johnson pled guilty to the class D felony of Resisting Arrest By Fleeing-Creating Substantial Risk of Serious Injury/Death To Any Person in Mississippi County Circuit Court, case number 04CR744489-01. Johnson was sentenced to Incarceration Jail for 120 days.

8. On or about November 26, 2007, Johnson was convicted of the class C felony of Possession of Controlled Substance Except 35 grams or Less of Marijuana in Cape Girardeau County Circuit Court, case number 07PR-CR00250-02. Johnson was sentenced to a period of 3 years in the Missouri Department of Corrections.

9. On or about November 26, 2007, Johnson was convicted of the class A misdemeanor of Operated Mtr Veh on Hwy While Driver's License/Revoked in Cape Girardeau County Circuit Court, case number 07PR-CR00250-02. Johnson was sentenced to a period of 10 days in Incarceration Jail.

10. On or about January 12, 2010, Johnson was convicted of the class C felony of Theft/Stealing of Any Credit Card or Letter of Credit in Butler County Circuit Court, case number 08BT-CR01706-01. Johnson was sentenced to a period of four years in the Missouri Department of Corrections. Sentence to run concurrent with parole in Cape County cases 04G9-CR00091-01, 07PR-CR00250-02 and Scott County cases 03CR744953-02 and 03CR745377-02.

11. On or about April 7, 2011, a Student Enrollment Application was received by the Board from Johnson seeking a barber student license.

II.

CONCLUSIONS OF LAW

12. 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 his right to file a complaint with the administrative hearing commission as provided by chapter 621.

13. The Board has cause to deny or refuse Johnson's application for a barber student 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 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 his 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[.]

14. As a result of Johnson's convictions as set out in paragraph 4 above, the Board has cause to deny or refuse Johnson's application for a barber student license pursuant to § 328.150.1, RSMo, and § 328.150.2(2), RSMo.

15. 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.

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

III.

ORDER

Based on the foregoing, Steven Johnson is granted a barber student license, which is hereby placed on **PROBATION** for the period during which he is enrolled in barber school and receiving training hours, not to exceed five (5) years from the effective date of this Order. During the aforementioned probation, Steven Johnson shall be entitled to enroll as a barber student subject to the following terms and conditions:

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Steven Johnson shall be entitled to present himself and serve as a licensed barber student subject to the following terms and conditions:

- A. During the disciplinary period, Johnson 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, Johnson shall keep the Board informed of his current work and home telephone numbers. Johnson shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Johnson shall timely renew his student 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, Johnson 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, Johnson shall appear in person for interviews with the Board or its designee upon request.
- F. Johnson 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, 2011.
- G. If, at any time during the probationary period, Johnson changes his address from the state of Missouri, or ceases to maintain his barber student 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 Johnson 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 6th DAY OF June, 2011.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily Carroll Executive Director