

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

In the Matter of the Application of            )  
                                                                  )  
**TERESA M. KNIGHTON,**                                )  
                                                                  )  
Applicant.                                                )

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS ISSUING A PROBATIONARY  
COSMETOLOGY STUDENT LICENSE TO TERESA M. KNIGHTON**

The Missouri State Board of Cosmetology and Barber Examiners (the “Board”) hereby issues its **ORDER** granting a **PROBATIONARY COSMETOLOGY STUDENT LICENSE**, License No. 2013018832 to Teresa M. Knighton (“Knighton” or “Applicant”), pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Knighton 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 Knighton file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless and/or until such time as the Administrative Hearing Commission issues an Order to the contrary.

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,<sup>1</sup> 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.

2. On or about December 26, 2012, Knighton applied for a cosmetology student license to enroll at National Academy of Beauty Arts, 157 Concord Plaza, Lower Level, St. Louis, Missouri.

3. On her application, Knighton 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, in a criminal prosecution under the laws of this state or any other state or of the United States, whether or not sentence was imposed?”

4. With her December 26, 2012 application, Knighton included the following list of dates and criminal charges:

- a. 2006 -- larceny (felony) and following vehicle too closely;
- b. 2007 -- trespassing and failure to show plates and seatbelt;
- c. 2008 -- petty larceny and driving while revoked;
- d. 2009 -- possession (felony);
- e. 2010 -- third offense stealing (felony), speeding, petty larceny;
- f. 2011 -- possession (felony), petty larceny, trespassing and seatbelt violation.

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<sup>1</sup> All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

5. On or about February 1, 2013, the Board sent Knighton a letter requesting an explanation for her entire criminal background.

6. On or about April 24, 2013, Knighton provided the Board a statement regarding her answer of “yes” to the question regarding criminal history. Knighton stated that “in my younger years I got caught up [i]n the wrong things including drugs and stealing to support my habit. I would like to mention that I have been clean for 2 ½ years now and have no intentions of returning to that life. I would like to move forward into a career and hair and nails, all beauty is what I love to do so please consider [ ] give me a chance.” With regard to her criminal history, Knighton stated:

- a. 2006 – Larceny (stealing over \$500) – “A friend at the time and I were at Walmart in Festus, M[issouri] and wanted to try and get some things for Christmas since it was a few days away. We both had our own merchandise that equaled a misdemeanor charge but since we were together they placed the amount of merchandise together which equaled a felony amount.” “Served a 3 y[ear] sentence.”
- b. 2009 – Possession of a controlled substance – “I was riding in a vehicle with another person when we got stopped because the driver was speeding. Upon stopping, the officer asked to search the car and found a spoon with some residue on it which later came back as heroin. Both of us ended up getting charged with it and I received a 4 y[ear] sentence.”
- c. 2010 – third offense stealing (“3 strike rule”) – I needed money to pay a fine last minute and decided to go into JC Penney and take a few clothing items for someone who said they would buy them. As I was leaving the store, they stopped

me and I received a ticket for stealing.” “Received a 2 y[ear] sentence w[ith] 40% requirement.”

- d. 2012 – possession of a controlled substance “ I was sitting outside a friend’s house on the date I received this ticket, January 2010, and a friend of mine in the vehicle was smoking marijuana. An officer drove by and pulled back around the block to pull behind us with the cop lights on because of suspicious activity. There was a spoon with residue in my bra when they took us to the police station so I gave it to the cops and eventually got charged with possession of heroin.” “Received a 5 y[ear] probation w[ith] 3 y[ear] backup.”

7. A review of Knighton’s criminal history reveals:
- a. On or about October 4, 2007, Knighton pled guilty to the class B misdemeanor of trespass in the Circuit Court of Jefferson County, Missouri, case number 06JE-CR02738. The Court sentenced Knighton to 30 days in county jail.
  - b. On or about September 8, 2008, Knighton pled guilty to the class C felony of theft/stealing, value of property over \$500 but less than \$25,000 in the Circuit Court of Jefferson County, Missouri, case number 07JE-CR02389-01. The Court sentenced Knighton to three years’ incarceration in the Missouri Department of Corrections to be served concurrently with her sentence in case numbers 08D9-CR00275 and 08D7-CR01341-01.
  - c. On or about December 31, 2008, Knighton pled guilty to the class A misdemeanor of driving with a revoked license in the Circuit Court of Washington County, Missouri, case number 08D9-CR00275. The Court

sentenced her to 10 days incarceration in jail to be served concurrently with case numbers 07JE-CR02389-01 and 08D7-CR01341-01.

- d. On or about February 20, 2009, Knighton pled guilty to the class C felony of possession of a controlled substance in the Circuit Court of St. Francois County, Missouri, case number 08D7-CR01341-01. The Court sentenced her to four years' incarceration in the Missouri Department of Corrections to be served concurrently with any sentence Knighton was currently serving.
- e. On or about June 29, 2011, Knighton pled guilty to the class A misdemeanor of theft/stealing with a value less than \$500 in the Circuit Court of St. Louis County, Missouri, case number 10SL-CR10807. The Court sentenced Knighton to 30 days incarceration in jail, with credit for time served.
- f. On or about July 8, 2011, Knighton pled guilty to the class D felony of stealing third offense in the Circuit Court of St. Louis County, Missouri, case number 11SL-CR01634-01. The Court sentenced Knighton to 2 years' incarceration in Missouri Department of Corrections, with credit for time served.
- g. On or about August 2, 2011, Knighton pled guilty to the class A misdemeanor of stealing with a value less than \$500 and the class B misdemeanor of trespassing in the Circuit Court of Jefferson County, Missouri, case number 10JE-CR01629. The Court sentenced Knighton to 60 days incarceration in jail for each count.
- h. On or about August 22, 2012, Knighton pled guilty to the class C felony of possession of a controlled substance in the Circuit Court of Jefferson County, Missouri, case number 11JE-CR00265-01. The Court sentenced Knighton to three years' incarceration in Missouri Department of Corrections but suspended

the execution of the sentence and placed Knighton on five years' supervised probation by Missouri Board of Probation and Parole.

## II.

### CONCLUSIONS OF LAW

8. The Board has authority to deny or refuse a license application pursuant to § 329.140.1, RSMo, 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, RSMo.

9. The Board has cause to deny or refuse Knighton's application for a cosmetology student license pursuant to § 329.140.2, RSMo, 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[.]

10. As a result of Knighton's actions as set forth in paragraphs 2 through 7 above, the Board has cause to deny or refuse Knighton's application for a cosmetology student license pursuant to § 329.140.1, RSMo, and § 329.140.2(2), RSMo.

11. 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, 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.

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

### III.

#### **ORDER**

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

### IV.

#### **TERMS AND CONDITIONS**

14. During the aforementioned probation, Teresa M. Knighton, shall be entitled to enroll as a cosmetology student subject to the following terms and conditions:

- A. During the disciplinary period, Applicant shall comply with all provisions of Chapter 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.

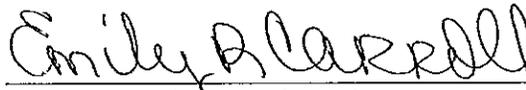
- B. During the disciplinary period, Applicant shall keep the Board informed of Applicant's current work and home telephone numbers. Applicant shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Applicant shall timely renew Applicant's 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, Applicant 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, Applicant shall appear in person for interviews with the Board or its designee upon request.
- F. Applicant 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, Applicant changes Applicant's address from the state of Missouri, or ceases to maintain Applicant's cosmetology student license current or active under the provisions of Chapter 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 1062, Jefferson City, Missouri 65102.
- J. Any failure by Applicant to comply with any condition of discipline set forth herein constitutes a violation of this Order.

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

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

**SO ORDERED, EFFECTIVE THIS 17 DAY OF JUNE, 2013.**

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS



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Emily Carroll, Executive Director