

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

In the Matter of the Application of            )  
  )  
BRIAN C. LAMBERT,                                )  
  )  
Applicant.    )

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS ISSUING A PROBATIONARY  
BARBER STUDENT LICENSE TO BRIAN C. LAMBERT**

The Missouri State Board of Cosmetology and Barber Examiners (the "Board") hereby issues its ORDER granting a PROBATIONARY BARBER STUDENT LICENSE, License No. 2014011886 to Brian C. Lambert ("Lambert" or "Applicant"), pursuant to the provisions of § 324.038, RSMo.<sup>1</sup> As set forth in § 324.038.2, RSMo, Lambert 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 Lambert 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:

1.

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.

2. On or about March 25, 2014, Lambert applied for a Missouri barber student license to enroll at Eclips Barber School, 9140 Page Avenue, St. Louis, Missouri.

3. On his application, Lambert 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 his March 25, 2014 application, Lambert provided an explanation of his criminal history. In his explanation, Lambert referenced the dates of his criminal history. He stated that he pled guilty to all of them and “took full responsibility.” He stated that some of the things he did “as a youth which lead to me making more bad decisions as an adult.” He stated that “at one point in my life I had a bad history with drugs, which I am now clean of that life.” He stated he is currently dealing with a possession charge that occurred in 2013. He stated he has “decided to get my life back on track and do whats right for myself and my family.” He also stated that regarding the trafficking charges, he was “going to my vehicle when I was stopped by the police, and when approached by the officers who asked for my identification I realized I had drugs on me.” He stated he fled from the officers but was caught having more than three and a half grams but less than seven grams in a moving vehicle. He stated he did not strike the officers

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

but was charged with resisting arrest because he fled. He stated he has been cutting hair since he was twelve and has always had a love for the profession.

5. A review of Lambert's Missouri criminal history reveals:
  - a. On or about March 20, 1995, Lambert pled guilty to the class A misdemeanor of receiving stolen property in the Circuit Court of St. Charles County, Missouri, case number 11R019402855. The Court sentenced Lambert to a fine.
  - b. On or about September 28, 1995, Lambert pled guilty to the class A misdemeanor of stealing in the Circuit Court of St. Charles County, Missouri, case number 11R0190501516. The Court sentenced Lambert to thirty days in jail but suspended the execution of sentence and placed Lambert on two years' unsupervised probation.
  - c. On or about November 14, 1995, Lambert pled guilty to the class A misdemeanor of stealing in the Circuit Court of St. Charles County, Missouri, case number 11R019502430. The Court sentenced Lambert to six months in jail but suspended the execution of sentence, placing Lambert on two years' supervised probation. The Court also ordered Lambert have no contact with his victim, pay restitution in the amount of \$232.54 and obtain his GED during the probation.
  - d. On or about July 15, 1996, Lambert pled guilty to the class C felony of stealing in the Circuit Court of St. Charles County, Missouri, case number 11R019600284-01. The Court sentenced Lambert to seven years' incarceration pursuant to section 559.115, RSMo.
  - e. On or about July 15, 1996, Lambert pled guilty to the class C felony of Tampering with a Victim/Witness or Attempted Tamping w/Victim in a Felony

Prosecution in the Circuit Court of St. Charles County, Missouri, case number 11R019601030-01. The Court sentenced Lambert to three years' incarceration to run consecutive to cases 11R019600284-01 and 11R019601216-01.

- f. On or about July 15, 1996, Lambert pled guilty to the class C felony of Stealing in the Circuit Court of St. Charles County, Missouri, case number 11R019601216-01. The Court sentenced Lambert to seven years' incarceration pursuant to section 559.115, RSMo.
- g. On or about July 28, 2008, Lambert pled guilty to the class C felony of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana, in the Circuit Court of St. Louis City, Missouri, case number 22051-01499-01. The Court sentenced Lambert to four years' incarceration to run concurrent to the cases in paragraphs h, i and j below.
- h. On or about July 28, 2008, Lambert pled guilty to the class C felony of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana, in the Circuit Court of St. Louis City, Missouri, case number 0622-CR06448-01. The Court sentenced Lambert to four years' incarceration to run concurrent to the cases in paragraphs g above and i and j below.
- i. On or about July 28, 2008, Lambert pled guilty to the class B felony of Trafficking in Drugs in the Second Degree in the Circuit Court of St. Louis City, Missouri, case number 0622-CR03482-01. The Court sentenced Lambert to ten years' incarceration to run concurrent to the cases in paragraphs g and h above and j below.

- j. On or about October 2, 2008, Lambert pled guilty to the class B felony of Trafficking in Drugs in the Second Degree, the class A misdemeanor of Possession of up to 35 Grams Marijuana and the class A misdemeanor of Resisting/Interfering with Arrest in the Circuit Court of St. Louis City, Missouri, case number 0822-CR00817-01. The Court sentenced Lambert to ten years' incarceration on the felony count and thirty days on each of the misdemeanor counts, to be served concurrently with the cases in paragraphs g, h and i above.
- k. On or about December 2, 2010, Lambert pled guilty to the class A misdemeanor of Operating a Motor Vehicle While Driver's License/Privilege Revoked in the Circuit Court of St. Louis City, Missouri, case number 1022-CR04070. The Court sentenced Lambert to 90 days in jail but suspended the execution of sentence and placed him on one year unsupervised probation. Lambert completed the probation on October 15, 2012.
- l. On or about March 21, 2013, Lambert pled guilty to the class C felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana in the Circuit Court of St. Louis City, Missouri, case number 1122-CR02286-01. The Court suspended the imposition of sentence and placed Lambert on two years' supervised probation. Lambert completed the probation on January 29, 2014.
- m. On or about November 22, 2013, Lambert pled guilty to the class A misdemeanor of Non-Support in the Circuit Court of St. Charles County, Missouri, case number 1211-CR02579. The Court suspended the imposition of sentence and placed Lambert on two years' supervised probation.

n. On or about July 30, 2013, Lambert was charged with the class C felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana and the class A misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of St. Louis City, Missouri, case number 1322-CR04197-01. The case is pending.

## II.

### CONCLUSIONS OF LAW

6. The Board has authority to deny or refuse a license application pursuant to § 328.150.1, 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.

7. The Board has cause to deny or refuse Lambert's application for a barber student license pursuant to § 328.150.2, 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[.]

8. As a result of Lambert's pleas of guilty as detailed in paragraphs 5a through 5m above, the Board has cause to deny or refuse Lambert's application for a barber student license pursuant to § 328.150.1, RSMo, and § 328.150.2(2), RSMo.

9. 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.

10. The Board issues this Order in lieu of denial of Lambert'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

11. Based on the foregoing, Brian C. Lambert 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, Brian C. Lambert shall be entitled to enroll as a barber student-subject to the following terms and conditions.

### IV.

#### TERMS AND CONDITIONS

12. During the aforementioned probation, Brian C. Lambert, shall be entitled to enroll as a barber student subject to the following terms and conditions:

- A. During the disciplinary period, Applicant shall comply with all provisions of Chapter 328, 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 January 1, 2015.
- 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 student license current or active under the provisions of Chapter 328, 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.

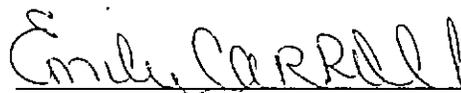
J. Any failure by Applicant to comply with any condition of discipline set forth herein constitutes a violation of this Order.

13. 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 328, RSMo, or the regulations promulgated thereunder.

14. 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<sup>th</sup> DAY OF APRIL 2014.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS



Emily Carroll, Executive Director