BEFORE THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS,	)	
Petitioner,	)	
v.	)	Case No. 15-1477 CB
HOPE LAWYER,	)	
Respondent.	)	

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DISCIPLINARY ORDER

On or about November 23, 2015, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Board of Cosmetology and Barber Examiners v. Hope Lawyer,* Case No. 15-1477 CB. In that Default Decision, the Administrative Hearing Commission found that Respondent Hope Lawyer's cosmetology license (license # 115386) and cosmetology establishment license (license # 2011031263) are subject to disciplinary action by the Missouri Board Cosmetology and Barber Examiners ("Board") pursuant to § 329.140.2(5), (6), (12) and (13), RSMo.[1]

The Board has received and reviewed the record of the proceedings before the Administrative Hearing Commission, including the properly pled complaint filed before the Administrative Hearing Commission on September 29, 2015 and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission, including the properly pled complaint and Default Decision, is incorporated herein by reference in its entirety.

Pursuant to notice and § 621.110 and § 329.140.3, RSMo, the Board scheduled a hearing to be held on May 16, 2016, at approximately 9:00 a.m. at the Missouri Division of Professional

[1] All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

Registration Building, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent's license. At the May 16, 2016 disciplinary hearing, the Board was represented by attorney Jamie Cox. Despite proper and timely notice, Respondent was not present for the hearing and was not represented by 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:

I.

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. Respondent holds a cosmetology operator license (license # 115386) and cosmetology establishment license (license # 2011031263). Respondent's cosmetology license was not at all times relevant herein current, valid and active. Respondent's cosmetology establishment license, was not at all times relevant herein current, valid and active.

3. The Board hereby adopts and incorporates by reference the properly pled complaint and Default Decision of the Administrative Hearing Commission in *Missouri Board of Cosmetology and Barber Examiners v. Hope Lawyer,* Case No. 15-1477 CB, in its entirety. In that Default Decision the Administrative Hearing Commission determined that the Board filed a properly pled complaint before the Administrative Hearing Commission on or about September 29, 2015, that Respondent was served with the complaint by publication and that Respondent never filed an answer or otherwise responded to the complaint.

4. In its Default Decision, the Administrative Hearing Commission determined there was cause to discipline Respondent's licenses pursuant to § 329.140.2(5), (6), (12) and (13), RSMo, as established in the properly pled complaint, as a result of Respondent providing and/or offering to provide cosmetology services at Salon Lofts while her operator and establishment licenses were expired; and while her operator and establishment license were not posted in public view; and while her posted operator license was not current.

5. The Board set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent by publication in a proper and timely fashion.

II.

CONCLUSIONS OF LAW

6. This Board has jurisdiction over this proceeding pursuant to §§ 621.110 and 329.140.3, RSMo.

7. The Board expressly adopts and incorporates by reference the properly pled complaint and the Default Decision issued by the Administrative Hearing Commission on November 23, 2015, in *Missouri Board of Cosmetology and Barber Examiners v. Hope Lawyer,* Case No. 15-1477 CB, and hereby enters its Conclusions of Law consistent therewith.

8. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision on November 23, 2015, Respondent's cosmetology operator license (license # 115386) and cosmetology establishment license (license # 2011031263)are subject to disciplinary subject to disciplinary action by the Board pursuant to § 329.140.2(5), (6), (12) and (13), RSMo.

9. 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 Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Board that cosmetology operator license (license # 115386) and cosmetology establishment license (license # 2011031263) shall be **SUSPENDED** for a period, not to exceed three (3) years, or until such time as Respondent submits proof to the Board that Respondent has renewed her cosmetology operator and establishment licenses and the Board has been notified by Respondent, in writing, of her compliance. The period of **SUSPENSION** shall begin fifteen (15) days from the date this Order is signed by the Board's Executive Director. Licensee shall not perform cosmetology services during the period of **SUSPENSION.** Following the period of **SUSPENSION**, Respondent's cosmetology operator license (license # 115386) and cosmetology establishment license (license # 2011031263) shall immediately be placed on **PROBATION** for a period of five (5) years ("probationary period"), subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Respondent shall be entitled to offer and engage in the practice of cosmetology subject to the following terms and conditions:

A. During the probationary 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 probationary period, Respondent shall keep the Board informed of Respondent's current telephone number and address. 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 licenses and shall timely pay all fees required for licensure and comply with all other Board requirements necessary to maintain said licenses 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 probationary period, Respondent shall appear in person for interviews with the Board or its designee upon request.

F. During the probationary period, 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, 2017.

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 licenses as 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. Upon expiration of the probationary period, Respondent's licenses shall be fully restored if all requirements of the law have been satisfied; provided, however, that in the event the Board determines that Licensee has violated any term or condition of this Order, the Board may, in its discretion, pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions or remedies concerning the allegations identified herein.

I. 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.

J. 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.

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

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 2nd DAY OF June, 2016.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS

Emily R Carroll

Emily Carroll, Executive Director