

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

In the Matter of the Application of)
)
ARIF KAROWALIA, OWNER)
PERFECT BROW BAR)
)
Applicant.)

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS ISSUING A PROBATIONARY
COSMETOLOGY ESTABLISHMENT LICENSE TO
ARIF KAROWALIA, OWNER, PERFECT BROW BAR**

The Missouri State Board of Cosmetology and Barber Examiners (“Board”) hereby issues its **ORDER** granting a **PROBATIONARY COSMETOLOGY ESTABLISHMENT LICENSE**, License No. 2014003473, to Arif Karowalia (“Karowalia”), owner of Perfect Brow Bar, pursuant to the provisions of § 324.038, RSMo.¹ As set forth in § 324.038.2, RSMo, Karowalia may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Board’s decision to issue a probated establishment 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 Karowalia file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless or until such time as the Administrative Hearing Commission issues an Order to the contrary.

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

I.

Based upon the foregoing, the Board hereby states:

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. Karowalia has been offering cosmetology services out of Perfect Brow Bar, located at 2300 Bernadette Drive, Suite 124, Columbia, Missouri 65203, without a current and active cosmetology establishment license. Perfect Brow Bar is located in the Columbia Mall, Columbia, Missouri.

3. On or about April 9, 2012, the Board conducted an inspection at Perfect Brow Bar. Perfect Brow Bar was not open for business. The Board's inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010. The inspection report noted that the inspector left an application for establishment registration at the Columbia Mall Office and that the owner's address was 4742 Burclare Court, Sugar Land, Texas.

4. On or about April 10, 2012, the Board conducted an inspection at Perfect Brow Bar. Perfect Brow Bar was open for business and an unidentified female was offering services, performing eyebrow threading, to a customer during the inspection. The Board's inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010; there was no cosmetology operator license for the individual present and providing services in violation of 20 CSR 2085-10.010;

and in violation of 20 CSR 2085-11.020 there was no disinfectant available, its solution was not deep enough to immerse the instruments, the solution was not an EPA registered disinfectant, and the implements were not cleansed after each use. The inspection report also stated the inspector left an application for establishment registration. On or about April 25, 2012, the Board sent Perfect Brow Bar a violation notice regarding the April 10, 2012 inspection.

5. On or about May 9, 2012, the Board conducted an inspection at Perfect Brow Bar. Perfect Brow Bar was open for business and Leji Annie was offering cosmetology services to a customer during the inspection. The Board's inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010; there was no cosmetology operator license for the individual present and providing services in violation of 20 CSR 2085-10.010.

6. On or about June 27, 2012, the Board conducted an inspection at Perfect Brow Bar. Perfect Brow Bar was open for business and Leji Annie was offering cosmetology services to a customer during the inspection. The Board's inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010; there was no cosmetology operator license for the individual present and providing services in violation of 20 CSR 2085-10.010.

7. On or about July 2, 2012, the Board conducted an inspection at Perfect Brow Bar. Perfect Brow Bar was open for business and Leji Annie was present during the inspection but was not providing services. The Board's inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010; there was no cosmetology operator license for the individual present and providing

services in violation of 20 CSR 2085-10.010. On or about July 27, 2012, the Board sent Perfect Brow Bar a violation notice regarding the July 2, 2012 inspection.

8. On or about August 8, 2012, the Board conducted an inspection at Perfect Brow Bar. Perfect Brow Bar was open for business and Sharma Mandira was offering cosmetology services, to a customer during the inspection. The Board's inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010; there was no cosmetology operator license for the individual present and providing services in violation of 20 CSR 2085-10.010. Additionally, the inspection report noted that the disinfectant solution was Great Value Glass Cleaner, not an EPA registered disinfectant. This violation was corrected during the inspection. On or about September 19, 2012, the Board sent Perfect Brow Bar a violation notice regarding the August 8, 2012 inspection. The Board also included an application for establishment registration.

9. On or about September 25, 2012, the Board conducted an inspection at Perfect Brow Bar. Perfect Brow Bar was open for business and an unidentified female was offering cosmetology services, to a customer during the inspection. She refused to give her name or show any identification. The Board's inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010; there was no cosmetology operator license for the individual present and providing services in violation of 20 CSR 2085-10.010. On or about October 10, 2012, the Board sent Perfect Brow Bar a violation notice regarding the September 25, 2012 inspection.

10. On or about October 5, 2012, the Board's legal counsel sent Perfect Brow Bar a cease and desist letter directing Perfect Brow Bar to cease and desist from operating as an unlicensed cosmetology establishment. The Board sent the letter by U.S. Mail and Certified U.S.

Mail. On or about October 22, 2012, the Board received the signed receipt of delivery for the certified copy of the letter, signed by Sharma Mandira.

11. On or about November 9, 2012, the Board conducted an inspection at Perfect Brow Bar. Perfect Brow Bar was open for business and an unidentified female was offering cosmetology services, to a customer during the inspection. The unidentified female refused to show any identification or provider her name. The Board's inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010; there was no cosmetology operator license for the individual present and providing services in violation of 20 CSR 2085-10.010.

12. On or about May 2, 2013, the Board conducted an inspection at Perfect Brow Bar. Perfect Brow Bar was open for business and an unidentified female was offering cosmetology services, to a customer during the inspection. The unidentified female refused to show any identification or provider her name. The Board's inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010; there was no cosmetology operator license for the individual present and providing services in violation of 20 CSR 2085-10.010. On or about May 17, 2013, the Board sent Perfect Brow Bar a violation notice regarding the May 2, 2013 inspection.

13. On or about August 8, 2013, the Board conducted an inspection at Perfect Brow Bar. Perfect Brow Bar was open for business and an unidentified female was offering cosmetology services, to a customer during the inspection. The unidentified female refused to show any identification or provider her name. The Board's inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010; there was no cosmetology operator license for the individual

present and providing services in violation of 20 CSR 2085-10.010. On or about August 22, 2013, the Board sent Perfect Brow Bar a violation notice regarding the August 8, 2013 inspection.

14. On or about September 10, 2013, the Board conducted an inspection at Perfect Brow Bar. Perfect Brow Bar was open for business and an unidentified female was offering cosmetology services, to a customer during the inspection. The unidentified female refused to show any identification or provider her name. The Board's inspection noted the following violations: there is no current and active establishment license posted in violation of § 329.045, RSMo and 20 CSR 2085-10.010; there was no cosmetology operator license for the individual present and providing services in violation of 20 CSR 2085-10.010. On or about September 24, 2013, the Board sent Perfect Brow Bar a violation notice regarding the September 10, 2013 inspection.

15. On or about November 4, 2013, Karowalia applied for an establishment license and paid the application fee for Perfect Brow Bar.

II.

CONCLUSIONS OF LAW

16. 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 the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

17. The Board has cause to deny or Karowalia's application for a cosmetology establishment license for Perfect Brow Bar 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:

- ...
- (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
 - (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any professional licensed or regulated by this chapter;
 - (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;
 - (7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

...

- (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

...

- (13) Violation of any professional trust or confidence[.]

18. Section 329.030, RSMo, states:

It is unlawful for any person in this state to engage in the occupation of cosmetology or to operate an establishment or school of cosmetology, unless such person has first obtained a license as provided by this chapter.

19. Regulation 20 CSR 2085-10.010 states, in relevant part:

(1) New Barber Establishments or Cosmetology Establishments.

(C) No establishment shall open in Missouri until the board receives a completed application, on a form supplied by the board, the biennial establishment fee is paid, the establishment passes a board inspection, and the application is approved by the board. If an establishment opens for business before the board issues the original establishment

license, a delinquent fee shall be assessed in addition to all other required licensure fees, and the board may take legal action pursuant to Chapter 328 and/or 329, RSMo.

(2) Rental Space/Chair Licensing. Any person licensed by the board who rents individual space or a booth/chair within a licensed establishment for the purposes of practicing as a barber or cosmetologist shall be required to obtain a separate establishment license for the rental space. Licensees that rent individual space or a booth/chair within a licensed barber or cosmetology establishment for their purposes of operating as a barber or cosmetologist must possess a current establishment license as well as an operator license. This section does not apply to licensees operating as establishment employees.

(A) Each establishment license issued to a renter under this rule shall be valid only for the licensee, address, and name identified in the initial establishment license application.

(B) Applications for an establishment license under this subsection shall be submitted on a form provided by the board and shall comply with the requirements defined in 20 CSR 2085-10.010(1)(A)1.-4.

20. As a result of Karowalia operating Perfect Brow Bar without a valid establishment license in violation of § 329.030, RSMo, and 20 CSR 2085-10.010, the Board has cause to deny or refuse Karowalia's application for an establishment license for Perfect Brow Bar pursuant to § 329.140.1, RSMo, and § 329.140.2(4), (5), (6), (7), (10) and (13), RSMo.

21. 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.

22. The Board issues this Order in lieu of denial of Karowalia's application for a cosmetology establishment license for Perfect Brow Bar. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

23. Based on the foregoing, Arif Karowalia is granted a cosmetology establishment license for Perfect Brow Bar, which is hereby placed on **PROBATION** for a period of three (3) years from the effective date of this Order, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

24. During the aforementioned probation, Karowalia shall be entitled to a cosmetology establishment license subject to the following terms and conditions:

- A. During the disciplinary period, Karowalia 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, Karowalia shall keep the Board informed of the current work and home telephone numbers. Karowalia shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Karowalia shall timely renew the cosmetology establishment 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, Karowalia 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, Karowalia shall appear in person for interviews with the Board or its designee upon request.

- F. Karowalia 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, 2014.
- G. If, at any time during the probationary period, Karowalia changes the address from the state of Missouri, or ceases to maintain the cosmetology establishment 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 Karowalia to comply with any condition of discipline set forth herein constitutes a violation of this Order.

25. 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 329, RSMo, or the regulations promulgated thereunder.

26. 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 4th DAY OF FEBRUARY 2014.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily Carroll, Executive Director