

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. On or about April 26, 2016, Rayman applied for a Missouri cosmetology student license to enroll at Vandalia Institute of Cosmetology, 1101 E. Hwy 54, Vandalia, Missouri.

3. On her application, Rayman answered “yes” to the question “Have you been adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution in this state, or any or of the United States, whether or not sentence was imposed?”

4. In conjunction with her April 26, 2016 application, Rayman provided an explanation of her criminal history. In her explanation, Rayman stated that she has been convicted of 13 felonies, beginning in 2005. She stated that she has had a drug addiction for 12 years and has committed crimes to support her habit. She noted that she is ‘not happy with the choices’ she has made, but believes an education will benefit her.

5. A review of Rayman’s criminal history reveals:

- a. On or about May 23, 2006, Rayman pled guilty to the class A misdemeanor of *Theft/Stealing (Value Of Property Or Services Is Less Than \$500)*, in the Circuit Court of St. Louis County, Missouri, case number 2106R-01055A. The Court suspended imposition of sentence and placed Rayman on unsupervised probation for two years. On May 23, 2006, Rayman probation was revoked and she was sentenced to four month jail incarceration, with credit for time served.

- b. On or about December 4, 2006, Rayman pled guilty to the class C felony of *Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana* and the class A misdemeanor of *Possession Of Up To 35 Grams Marijuana*, in the Circuit Court of the City of St. Louis, Missouri, case number 22051-03336-01. On the class C felony, the Court sentenced Rayman to two years' incarceration with the Missouri Department of Corrections, the Court suspended execution of her sentence and subsequent to shock incarceration placed her on probation for 5 years with the Missouri Board of Probation and Parole, which was successfully completed in February 2013. On the class A misdemeanor the suspended imposition of sentence and placed Rayman on 2 years supervised probation. The Court revoked Rayman's probation and Rayman was sentenced to 105 days jail incarceration.
- c. On or about November 21, 2007, Rayman pled guilty to the class C felonies of *Burglary – 2nd Degree* and *Theft/Stealing (Value Of Property Or Services Is \$500 Or More But Less Than \$25,000)*, in the Circuit Court of St. Charles County, Missouri, case number 0711-CR01851-01. The Court sentenced Rayman to 5 years' incarceration with the Missouri Department of Corrections. The Court suspended the execution of Rayman's sentence following shock incarceration and placed her on 5 years' supervised probation on both charges, both to run concurrent with each other and with the St. Louis City case number 22051-03336-01. In March of 2008, Rayman's probation was revoked and she was sentenced to 5 years' incarceration with the Missouri Department of Corrections.
- d. On or about May 18, 2009, Rayman pled guilty to two charges of the class C felony of *Theft/Stealing (Value Of Property Or Services Is Less Than \$500)*, in the Circuit Court

- of St. Charles County, Missouri, case number 09SL-CR02893-01. The Court sentenced Rayman to 6 years' incarceration with the Missouri Department of Corrections.
- e. On or about May 18, 2009, Rayman pled guilty to the class C felony of *Theft/Stealing Of Any Credit Card Or Letter Of Credit*, in the Circuit Court of St. Louis County, Missouri, case number 08SL-CR07223-01. The Court sentenced Rayman to 5 years' incarceration with the Missouri Department of Corrections.
- f. On or about February 27 2014, Rayman pled guilty to the class D felony of *Stealing Related Ofns – 3rd Ofns (Stealing, Buying, Receiving, Robbery)* and the class C felony *Of Forgery*, in the Circuit Court of St. Louis County, Missouri, case number 13SL-CR03806-01. The Court sentenced Rayman to 4 years' incarceration with the Missouri Department of Corrections, suspended the execution of Rayman's sentence and placed her on supervised probation for 5 years. Rayman's probation was revoked in December of 2014.
- g. On or about April 28, 2014, Rayman pled guilty to the class A misdemeanor of *Theft/Stealing (Value Of Property Or Services Is Less Than \$500)*, in the Circuit Court of Jefferson County, Missouri, case number 13JE-CR00168. The Court sentenced Rayman to 7 days' jail incarceration, suspended the execution of Rayman's sentence and placed Rayman on unsupervised probation 6 months.
- h. On or about December 17, 2014, Rayman pled guilty to the class C felonies of *Theft/Stealing (Value Of Property Or Services Is \$500 Or More But Less Than \$25,000)* and *Burglary – 2nd Degree*, in the Circuit Court of St. Louis County, Missouri, case number 14SL - CR08875-01. The Court sentenced Rayman to 7 years' incarceration with the Missouri Department of Corrections. Sentence was ordered to run concurrent

with 14SL-CR08876 and 14SL-CR08860, with credit received for all time served.

- i. On or about December 17, 2014, Rayman pled guilty to the class C felonies of *Theft/Stealing (Value Of Property Or Services Is \$500 Or More But Less Than \$25,000)* and *Burglary – 2nd Degree*, in the Circuit Court of St. Louis County, Missouri, case number 14SL - CR08875-01. The Court sentenced Rayman to 7 years' incarceration with the Missouri Department of Corrections. Sentence was ordered to run concurrent with 14SL-CR08875 and 14SL-CR08860, with credit received for all time served.
- j. On or about December 17, 2014, Rayman pled guilty to the class A misdemeanor of *Theft/Stealing (Value Of Property Or Services Is Less Than \$500)* and the C felony of *Burglary – 2nd Degree*, in the Circuit Court of St. Louis County, Missouri, case number 14SL - CR08875-01. The Court sentenced Rayman to 7 years' incarceration with the Missouri Department of Corrections on the felony charge and 1 year on the misdemeanor charge.

II.

CONCLUSIONS OF LAW

6. 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.

7. The Board has cause to deny or refuse Rayman'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[.]

8. As a result of Rayman's guilty pleas as detailed in paragraph 5a through j, the Board has cause to deny or refuse Rayman's application for a cosmetology student license pursuant to § 329.140.1, RSMo, and § 329.140.2(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 Rayman'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

11. Based on the foregoing, Jessica Rayman 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, Jessica Rayman shall be entitled to enroll as a cosmetology student subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

12. During the aforementioned probation, Jessica Rayman, 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 accept and comply with unannounced visits from the Board's representatives to monitor compliance with the terms and conditions of this Order.
- D. During the disciplinary period, Applicant shall appear in person for interviews with the Board or its designee upon request.
- E. 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, 2016.
- F. 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 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.

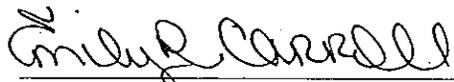
- G. The Board retains jurisdiction to hold a hearing at any time to determine if a violation of this Order has occurred and, if a violation of this Order has occurred, may seek to amend this Order or impose further disciplinary or appropriate action at the discretion of the Board. No order shall be 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.
- H. 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.
- I. 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 329, 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 329, 610 and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 20th DAY OF May 2016.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director