



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. Reliford currently resides at 11150 Towering Pines Drive, St. Louis, Missouri.

3. On or about March 13, 2009, Reliford made application with the Board for her cosmetology student license at Vatterott College – Northpark. The Board issued Reliford a cosmetology student license on or about March 23, 2009.

4. On or about December 1, 2009, the Board received a notice of termination/contractual fees from Vatterott College -- Northpark informing the Board that Reliford withdrew with a total of 889.50 hours completed. The Board received a second notice of termination dated December 6, 2009, documenting Reliford's completion of 902.10 hours.

5. On or about December 7, 2009, Reliford made application with the Board for her cosmetology student license at Vatterott College -- Northpark. The Board issued Reliford a cosmetology student license on or about December 7, 2009.

6. On or about May 19, 2010, the Board received a notice of termination/contractual fees from Vatterott College -- Northpark informing the Board that Reliford withdrew or graduated with a total of 597.58 hours completed.

7. On or about May 19, 2010, Reliford completed the Missouri Cosmetology Training Affidavit affirming she completed 1500 hours of education. Reliford also completed her application for examination.

8. On or about May 26, 2010, the Board's inspector conducted an inspection at Carla's Barber Braids and Beauty Salon, the cosmetology establishment where Reliford was working. During the inspection, the inspector confiscated a fraudulent license Reliford had posted at the establishment. The license had been altered to change Reliford's license from a student license to a "Class CA – hairdressing and manicuring" operator license.

9. On or about June 11, 2010, the Board authorized Reliford to written examination. The Board also authorized Reliford to sit for the August 2, 2010 practical examination.

10. Reliford successfully passed the written examination on July 6, 2010 and the practical examination on August 2, 2010.

## II.

### CONCLUSIONS OF LAW

11. 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.

12. The Board has cause to deny or refuse Reliford's application for a cosmetology operator 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:

- ...
- (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[.]

13. As a result of Reliford's conduct as stated in paragraphs 3 through 10 above, the Board has cause to deny or refuse Reliford's application for a "Class CA – hairdressing and manicuring" operator license pursuant to §§ 329.140.1 and 329.140.2(4), (5), (6), (7), (10) and (13), RSMo, in that Reliford offered cosmetology services in a cosmetology establishment with a fraudulent operator license.

14. 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.

15. The Board issues this Order in lieu of denial of Reliford's application for a "Class CA – hairdressing and manicuring" operator license. The Board has determined that this Order is necessary to ensure the protection of the public.

### III.

#### ORDER

16. Based on the foregoing, Lashaunda Reliford is granted a "Class CA – hairdressing and manicuring" operator license, which is hereby placed on **PROBATION** for a period five (5) years, subject to the terms and conditions set forth below.

### IV.

#### TERMS AND CONDITIONS

17. During the aforementioned probation, Reliford shall be entitled to a "Class CA – hairdressing and manicuring" operator license subject to the following terms and conditions:

- A. During the disciplinary period, Reliford 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, Reliford shall keep the Board informed of her current work and home telephone numbers. Reliford shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Reliford shall timely renew her cosmetology operator 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, Reliford 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, Reliford shall appear in person for interviews with the Board or its designee upon request.
- F. Reliford 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, 2014.
- G. If, at any time during the probationary period, Reliford changes her address from the state of Missouri, or ceases to maintain her cosmetology operator 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 Reliford to comply with any condition of discipline set forth herein constitutes a violation of this Order.

18. 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.

19. 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 24 DAY OF OCTOBER, 2013.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS

Handwritten signature of Emily R. Carroll in cursive script.

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Emily R. Carroll, Executive Director