



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. Roberts currently resides at 200 W 12<sup>th</sup> Street #1, Higginsville, Missouri.

3. On or about June 10, 2014, Roberts applied by reciprocity for a “Class CH – hairdresser” license.

4. On or about February 1, 2010, the Wisconsin Barbering and Cosmetology Examining Board issued a Final Decision and Order imposing limitations against Roberts’ Barbering or Cosmetology Manager license (license number 81-32809) issued on April 29, 2009, and her Barbering or Cosmetology Practitioner license (license number 82-85973) issued April 27, 2006. The Order was issued as a result of Roberts’ February 3, 2009 conviction in Dodge County, Wisconsin Circuit Court of one count of Felony Child Abuse - Intentionally Cause Bodily Harm; and Roberts’ failure to report the felony conviction to the Wisconsin Department of Safety and Professional Services within the timeframe required under the Wisconsin Administrative Code. The Wisconsin Board also assessed cost in the amount of \$200 against Roberts.

5. On July 7, 2011, the Wisconsin Barbering and Cosmetology Examining Board issued an Order reinstating Roberts' Barbering or Cosmetology Practitioner license (license number 82-85973) to full and unrestricted status.

6. As of June 18, 2014, the State of Wisconsin Department of Safety and Professional Services certified that Roberts held a Wisconsin Barbering or Cosmetology Manager license, license number "32809-81." This license was said to expire on March 31, 2015. The June 18, 2014 Certification did not list the status of Roberts' Barbering or Cosmetology Practitioner license (license number 82-85973).

## II.

### CONCLUSIONS OF LAW

7. 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.

8. The Board has cause to deny or refuse Roberts' 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:

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state[.]

9. As a result of Roberts' conduct as stated in paragraphs 4 through 6 above, the Board has cause to deny or refuse Roberts' application for a cosmetology operator license pursuant to §§ 329.140.1 and 329.140.2(8), RSMo, in that Roberts was disciplined by the Wisconsin Barbering and Cosmetology Examining Board as a result of Roberts' February 3, 2009 conviction in Dodge County, Wisconsin Circuit Court of one count of Felony Child Abuse - Intentionally Cause Harm; and Robert's failure to report the felony conviction to the Wisconsin Department of Safety and Professional Services within the timeframe required under the Wisconsin Administrative Code, for which the Board has cause to deny Roberts' application for a "Class CH -- hairdresser" license.

10. 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.

11. The Board issues this Order in lieu of denial of Roberts' application for a "Class CH -- hairdresser" license. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

**ORDER**

13. Based on the foregoing, Kerri Ann Roberts is granted a "Class CH – hairdresser" 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**

14. During the aforementioned probation, Roberts shall be entitled to a "Class CH – hairdresser" license subject to the following terms and conditions:

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

15. This Order does not bind the Board or restrict the remedies available to it concerning any violation by Roberts of the terms and conditions of this Order, Chapters 324 and 329, RSMo, or the regulations promulgated thereunder.

16. 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 23 DAY OF OCTOBER, 2014.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director