

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

STATE BOARD OF COSMETOLOGY)
AND BARBER EXAMINERS.)
)
Petitioner,)
)
v.)
)
RAYMOND ROBINSON)
)
Respondent.)

CASE # 09-0519 CB

**ORDER OF THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
DISCIPLINING THE BARBER LICENSE OF
RAYMOND ROBINSON**

On or about September 8, 2009, the Administrative Hearing Commission entered its Decision in the case of *Missouri Board of Cosmetology and Barber Examiners v. Raymond Robinson, Case No. 09-0519 CB*. In that Decision, the Administrative Hearing Commission found that Respondent Raymond Robinson's barber license (license # 2007028396) is subject to disciplinary action by the Board pursuant to § 328.150.2(6), RSMo 2000.

The Board has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 328.150.3, RSMo 2000, the Board held a hearing on January 11, 2010, at approximately 11:00 a.m., at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65102, for the purpose of determining the appropriate disciplinary action against Respondent's license. The Board was represented by

Legal Counsel Tina Crow Halcomb. Respondent received proper notice and opportunity to appear but did not appear in person or by legal 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.

I.

Based upon the foregoing the Board hereby states:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo Cum. Supp. 2008, 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 (as amended).

2. The Board hereby adopts and incorporates by reference the Decision of the Administrative Hearing Commission in *Missouri Board of Cosmetology and Barber Examiners v. Raymond Robinson, Case No. 09-0519 CB*, in its entirety.

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

II.

CONCLUSIONS OF LAW

4. This Board has jurisdiction over this proceeding pursuant to §§ 621.110 and 328.150.3, RSMo.

5. The Board expressly adopts and incorporates by reference the Conclusions of Law contained in the Decision issued by the Administrative Hearing Commission on September

8, 2009, in *Missouri Board of Cosmetology and Barber Examiners v. Raymond Robinson*, Case No. 09-0519 CB, and hereby enters its Conclusions of Law consistent therewith.

6. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Order on September 8, 2009, Respondent's Barber license is subject to disciplinary action by the Board pursuant to § 328.150.2(6), RSMo 2000.

7. 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 Decision of the Administrative Hearing Commission, it is the **ORDER** of the Board that the barber license of Raymond Robinson (license no. 2007028396) is hereby **SUSPENDED** for sixty (60) days beginning with the date of this Order. However, should Robinson obtain a barber establishment license from the Board or provide documentation to the Board satisfactorily demonstrating that he has obtained employment as a barber with an entity possessing a barber establishment license, the Board will end the term of suspension as of the date such establishment license is obtained or such documentation of barber employment is provided. This suspension shall be followed by three (3) years **PROBATION** to begin immediately following compliance with the terms of suspension or immediately following the sixtieth day of suspension, whichever date is earlier. During the aforementioned probation, Robinson shall be entitled to practice as a licensed barber subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Raymond Robinson shall be entitled to perform as a barber subject to the following terms and conditions:

- A. During the probationary period Raymond Robinson shall comply with all provisions of Chapter 328, RSMo (as amended), 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, Raymond Robinson shall keep the Board informed of his current work and home telephone numbers. Raymond Robinson shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Raymond Robinson shall timely renew his barber license 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, Raymond Robinson 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, Raymond Robinson shall appear in person for interviews with the Board or its designee upon request.
- F. Raymond Robinson 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, 2010.
- G. If, at any time during the probationary period, Raymond Robinson changes his address from the state of Missouri, or ceases to maintain his barber license current or active under the provisions of Chapter 328, RSMo (as amended), 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, Raymond Robinson's barber license shall be fully restored if all requirements of the law have been satisfied; provided, however, that in the event the Board determines that Raymond Robinson 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.

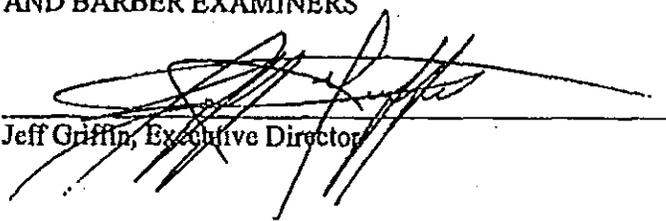
- I. The Board retains jurisdiction to hold a hearing at any time to determine if a violation of this Order has occurred and, if a violation of this Order has occurred, may seek to amend this Order or impose further disciplinary or appropriate action at the discretion of the Board. No order shall be 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 (as amended).
- 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 Raymond Robinson to comply with any condition of discipline set forth herein constitutes a violation of this Order.

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, Chapter 329, RSMo (as amended), or the regulations promulgated thereunder.

The Board will maintain this Order as an open, public record of the Board as provided in Chapters 328, 610, and 324, RSMo (as amended).

SO ORDERED, EFFECTIVE THIS 28th DAY OF January, 2010.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Jeff Griffin, Executive Director

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

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS,)	
)	
Petitioner,)	
)	License number: PV11-7002 CB
v.)	
)	
RAYMOND ROBINSON, OWNER, ORIGINAL MAN BARBER SHOP,)	
)	
Respondent.)	

**ORDER OF THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
DISCIPLINING THE BARBER LICENSE OF
RAYMOND ROBINSON, OWNER OF ORIGINAL MAN BARBER SHOP**

On or about January 8, 2010, the Board of Cosmetology and Barber Examiners ("Board"), issued its Order of the Missouri State Board of Cosmetology and Barber Examiners Disciplining the Barber License of Raymond Robinson ("Discipline Order") suspending for sixty days the barber license of Raymond Robinson, Owner of Original Man Barber Shop, (license number 2007028396) and then placing the barber license on probation for three years subject to the terms and conditions set for the therein.

On July 25, 2011, at approximately 2:30 p.m., the Board held a hearing pursuant to notice and § 621.110 and § 324.042, RSMo 2000,¹ at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65102, for the purpose of determining whether there had been violation(s) of the probationary terms set forth in the Discipline Order. The Board was represented by Legal Counsel Tina Crow Halcomb. Respondent received proper

¹ Unless otherwise specified, all statutory references are to the Revised Statutes of Missouri (RSMo) 2000, as amended.

notice and opportunity to appear but did not appear in person or through legal 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.

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. Respondent Raymond Robinson is a natural person and is the owner of Original Man Barber Shop ("Shop") located at 5504 Troost Ave., Kansas City, Missouri, 64110.

3. Respondent holds a probationary barber license issued by the Board, license number 2007028396.

4. On or about January 8, 2010, the Board issued a Discipline Order suspending Respondent's barber license (license number 2007028396) for sixty days and then placing the license on probation for three years. Respondent's barber license was placed on discipline because Respondent allowed unlicensed individuals to offer or perform barber services in his Shop and also operated his Shop without a barber establishment license.

5. Pursuant to the Discipline Order, Respondent was entitled to continue practicing as a barber under chapter 328, RSMo, provided he adhered to all of the terms and conditions of the Discipline Order, including obtaining a barber establishment license for his Shop.

6. The Discipline Order, in section IV, A, as a term and condition, requires that Respondent "shall comply with all provisions of Chapter 328, RSMo (as amended), all applicable board regulations, all applicable federal and state drug laws, rules and regulations and all applicable federal and state criminal laws."

7. On September 3, 2010, the Board's inspector conducted an inspection of the Shop and found the Shop open to provide barber services but the Shop had no barber establishment license for the Shop. While Respondent was not present, Respondent's barber license was posted at the set up station.

8. On September 23, 2010, the Board sent the Respondent a violation notice regarding the September 3, 2010 inspection.

9. On November 12, 2010, the Board's inspector conducted an inspection of the Shop and found Respondent providing barber services with no barber establishment license for the Shop.

10. On January 28, 2011, the Board sent the Respondent a violation notice regarding the November 12, 2010 inspection.

11. On January 18, 2011, the Board's inspector conducted an inspection of the Shop and found the Shop open to provide barber services but the Shop had no barber establishment license for the Shop. While Respondent was not present, Respondent's expired barber license was posted.

12. On February 8, 2011, the Board sent the Respondent a violation notice regarding the January 18, 2011 inspection.

13. On February 2, 2011, the Board's inspector conducted an inspection of the Shop and found the Respondent providing barber services with no barber establishment license for the Shop and with no current and active barber license due to non-renewal.

14. On March 24, 2011, the Board's inspector conducted an inspection of the Shop and found the Respondent providing barber services with no barber establishment license for the Shop and with no current and active barber license due to non-renewal.

15. The Board set this matter for probation violation hearing and served notice of the hearing upon Respondent in a proper and timely fashion.

II.

CONCLUSIONS OF LAW

16. This Board has jurisdiction over this proceeding pursuant to §§ 621.110 and 324.042, RSMo, and pursuant to the terms of the Discipline Order.

17. Pursuant to § 324.042, RSMo,

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary hearing.

18. Section 328.020, provides:

It shall be unlawful for any person to practice the occupation of a barber in this state, unless he or she shall have first obtained a license, as provided in this chapter.

19. Section 328.110, provides:

1. Every person engaged in barbering shall on or before the renewal date apply for the renewal of his or her license.

2. Each application for renewal shall state the number of the licensee's expiring license, and be accompanied by his or her renewal fee. Any person holding a license as a barber, except as herein provided, who fails to apply for renewal within two months of the expiration date of his or her license, shall pay a reinstatement fee in addition to the regular license renewal fee. Any person who fails to renew his or her license, except as herein provided, for a period not exceeding two years may reinstate his or her license upon payment of the license renewal fee for each delinquent year in addition to the reinstatement fee prescribed herein, but any barber, except as herein provided, who fails to renew his or her license for a period exceeding two years but less than five years and desires to be licensed as a barber in this state will be required to pass the practicum portion of the state's licensing examination as to his or her qualifications to practice barbering and shall pay the barber examination fee.

3. A holder of a barber license who has been honorably discharged from the United States armed forces, and has not renewed his or her license as herein provided, shall, upon his or her return to barbering within one year from date of honorable discharge, pay one dollar for renewal of same.

20. Section 328.115, provides:

1. The owner of every establishment in which the occupation of barbering is practiced shall obtain a license for such establishment issued by the board before barbering is practiced therein. A new license shall be obtained for a barber establishment within forty-five days when the establishment changes ownership or location. The state inspector shall inspect the sanitary conditions required for licensure, established under subsection 2 of this section, for an establishment that has changed ownership or location without requiring the owner to close business or deviate in any way from the establishment's regular hours of operation.

2. The board shall issue a license for a establishment upon receipt of the license fee from the applicant if the board finds that the establishment complies with the sanitary regulations adopted pursuant to section 329.025. All barber establishments shall continue to comply with the sanitary regulations. Failure of a barber establishment to comply with the sanitary regulations shall be grounds for the board to file a complaint with the administrative hearing commission to revoke, suspend, or censure the establishment's license or place the establishment's license on probation.

3. The license for a barber establishment shall be renewable. The applicant for renewal of the license shall on or before the renewal date submit the completed renewal application accompanied by the required renewal fee. If the renewal application and fee are not submitted within thirty days following the renewal date, a penalty fee plus the renewal fee shall be paid

to renew the license. If a new establishment opens any time during the licensing period and does not register a license before opening, there shall be a delinquent fee in addition to the regular fee. The license shall be kept posted in plain view within the barber establishment at all times.

21. State regulation 20 CSR 2085-5.040(2)(C) provides:

Any licensee who fails to renew shall not perform or offer to perform any act for which a license is required.

22. State regulation 20 CSR 2085-10.010(1)(C) provides:

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.

23. Respondent, by offering or providing barber services in the Shop with an individual barber license that was expired due to non-renewal, violated §§ 328.020, 328.110 and 20 CSR 2085-5.040(2)(C) and thereby violated section IV, A, of the Discipline Order. Accordingly, Respondent's barber license is subject to further discipline by the Board.

24. Respondent, by offering or providing barber services without a barber establishment license, violated the § 328.115 and 20CSR 2085-10.010(1)(C) and thereby violated section IV, A of the Discipline Order. Accordingly, Respondent's barber license is subject to further discipline by the Board.

25. As a result of the foregoing, Respondent's barber license is subject to further disciplinary action by the Board pursuant to § 324.042, RSMo, and the terms of the Discipline Order.

26. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

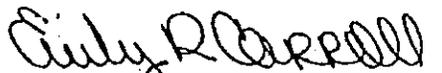
Having fully considered all the evidence before the Board, it is the **ORDER** of the Board that the barber license of Raymond Robinson, owner of Original Man Barber Shop (barber license number 2007028396) is hereby **REVOKED** as of the effective date of this Order.

Raymond Robinson shall immediately return his barber license, (license number 2007028396), and any other indicia of such licensure to the Board.

The Board will maintain this Order as an open and public record of the Board as provided in Chapters 328, 610 and 324, RSMo (as amended).

SO ORDERED, EFFECTIVE THIS 31 DAY OF August, 2011.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily Carroll, Executive Director