



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. Romsa currently resides at 4312 E. 104<sup>th</sup> St. Kansas City, Missouri.
3. On or about November 18, 2014, Romsa applied by reciprocity for a Class CA cosmetology operator license.
4. Romsa holds a Nebraska Cosmetologist operator license, license number 46108. The Nebraska Division of Public Health, Licensure Unit issued Romsa's Nebraska license on or about July 10, 2007. Romsa's Nebraska license expired December 31, 2014. Romsa also holds a Nevada Cosmetologist operator license, license number C-32587. The Nevada Board of Cosmetology issued the license September 1, 2010 and it expires November 5, 2016.
5. In conjunction with her application, Romsa provided information regarding her criminal history. With regard to a conviction for misdemeanor assault, Romsa stated that she defended herself in a fight against four girls who initiated the attack. She stated that the police showed up at her home and explained that one of the girls broke her ankle in the fight. She stated she went to court and paid a fine and was placed on probation. Regarding a conviction for reckless driving she stated that she was leaving a bar to head to another and was pulled over for

turning into the wrong lane. She stated she performed field sobriety test and "blew a .98." She stated the police took her to the hospital for a blood draw and allowed her to leave. She stated the DUI was dropped to the reckless driving because her blood alcohol level as .89. She stated she was fine. Regarding a DUI change in Nevada, she stated she was driving from one bar to another on Las Vegas Boulevard and she was pulled over. She stated she spent 17 hours in jail and she paid fines and did a victim impact panel.

6. A review of Romsa's criminal history reveals:
  - a. On or about March 23, 2007, Romsa pled guilty to the charge of Assault in the County Court of Lincoln, Lancaster County, Nebraska, case number CR0614919. The Court sentenced Romsa to six months' probation, restitution in the amount of \$501.12 and court costs.
  - b. On or about November 5, 2009, Romsa pled guilty to the charge of Reckless Driving in the County Court of Douglas County, Nebraska, Case Number CR0928024. The Court sentenced Romsa to fines and costs totaling \$348.
  - c. On or about February 27, 2014, Romsa pled nolo contendere and was found guilty of the misdemeanor of driving while intoxicated in the Circuit Court of Clark County, Nevada, case number 13M07168X. On March 27, 2014, the Court sentenced Romsa to 30 days-6 months in jail and suspended the execution of sentence. The Court then ordered her to attend DUI school, serve on a victim impact panel and pay costs and fees.

## 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 Romsa'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:

(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[.]

9. As a result of Romsa's conduct as stated in paragraphs 3 through 6 above, the Board has cause to deny or refuse Romsa's application for a cosmetology operator license pursuant to §§ 329.140.1 and 329.140.2(2), RSMo.

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 Romsa's application for a Class CA cosmetology operator license. The Board has determined that this Order is necessary to ensure the protection of the public.

### III.

#### ORDER

13. Based on the foregoing, Nickole E. Romsa is granted a Class CA cosmetology operator license, which is hereby placed on **PROBATION** for a period three (3) years, subject to the terms and conditions set forth below.

### IV.

#### TERMS AND CONDITIONS

14. During the aforementioned probation, Romsa shall be entitled to a class CA cosmetology operator license subject to the following terms and conditions:

A. During the disciplinary period, Romsa 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, Romsa shall keep the Board informed of her current work and home telephone numbers. Romsa shall notify the Board in writing within ten days (10) of any change in this information.

- C. During the probationary period, Romsa shall timely renew her class CA 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, Romsa 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, Romsa shall appear in person for interviews with the Board or its designee upon request.
- F. Romsa 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, 2015.
- G. If, at any time during the probationary period, Romsa changes her address from the state of Missouri, or ceases to maintain her class CA 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 Romsa 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 Respondent 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 1<sup>st</sup> DAY OF APRIL 2015.**

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS

*Emily R. Carroll*

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Emily R. Carroll, Executive Director