

**SETTLEMENT AGREEMENT BETWEEN THE STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS AND KIM MEECEY AND CASEY RAY**

Kim Meecey and Casey Ray ("Licensees") and the State Board of Cosmetology and Barber Examiners ("Board") enter into this Settlement Agreement ("Agreement") for the purpose of resolving the question of whether the Licensees' cosmetology establishment license no 2005001353 ("License") to operate a cosmetology establishment will be subject to discipline

Pursuant to § 536.060, RSMo, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri, and additionally, the parties hereto waive the right to a disciplinary hearing before the Board under § 621.110, RSMo. Licensees and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo.

Licensees acknowledge that they understand the various rights and privileges afforded by law including the right to a hearing of the claims against them, the right to appear and be represented by legal counsel, the right to have all claims against them proven upon the record by competent and substantial evidence, the right to cross-examine any witnesses appearing at the hearing against them, the right to present evidence on their behalf at the hearing, the right to ruling on questions of law by the Administrative Hearing Commission, the right to a decision based upon the record of the hearing by a fair and impartial Administrative Hearing Commission concerning the claims pending against them, the right to a disciplinary hearing before the Board at which time they may present evidence in mitigation of discipline, the right to a claim for attorney's fees and expenses, and the right to obtain judicial review of the decision of the Administrative Hearing Commission and the Board. Licensees knowingly and voluntarily waive

each and every one of these rights and freely enter into this Settlement Agreement and agree to abide by the terms of this document, as they pertain to them

Licensees acknowledge that the Board and its attorney followed the procedure enumerated in § 621.045, RSMo, including, but not limited to providing it with a written description of the specific conduct for which discipline is sought and citations to the law and rules violated together with copies of any documents which form the basis thereof

For the purpose of settling this dispute, Licensees stipulate that their cosmetology establishment license no 2005001353 for Salon K is subject to disciplinary action by the Board in accordance with the provisions of Chapters 621 and 329, RSMo

The parties stipulate and agree that the disciplinary order agreed to by the Board and Licensees in Part II herein is based only on the agreed upon stipulation of facts and conclusions of law set out in Part I herein. Licensees understand that the Board may take further disciplinary action against its cosmetology establishment license no 2005001353 based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered

Based upon the foregoing, the Board and Licensees stipulate to the following

I.

JOINT STIPULATION OF FACTS & CONCLUSIONS OF LAW

1 The Missouri Board of Cosmetology and Barber Examiners ("Board") is an agency of the State of Missouri, created and existing pursuant to § 329.015, RSMo, for the purpose of executing and enforcing the provision for Chapters 328 and 329, RSMo

2 Licensees own and operate Salon K, located at 610 Kingsland, University City, Missouri 63130, as a cosmetology establishment for the purpose of rendering cosmetology

services since January 21, 2005 to present

3 Licensees are registered with the Board as the owners of Salon K

4 Licensees are the establishment holder of the cosmetology establishment license number 2005001353 for Salon K. The cosmetology establishment license number 2005001353 enables Licensees to operate 2005001353 as a cosmetology establishment

5 Salon K is the name registered with the Board as the name of Licensees' cosmetology establishment located at 610 Kingsland, University City, Missouri 63130

6 The cosmetology establishment license number 2005001353 was originally issued to Licensees on January 21, 2005. The license displays the name of the license holder and registered owners (Kim Meecey and Casey Ray) the establishment name (Salon K), and address of the establishment

7 Licensees renewed the cosmetology establishment license number 2005001353 for Salon K and were reissued the cosmetology establishment license number 2005001353 for Salon K on July 12, 2007 with an expiration date of September 30, 2009

8 At all relevant times in this action, Licensees' cosmetology establishment license number 2005001353 for Salon K was current and active

9 From January 21, 2005 to present, Salon K has operated as a cosmetology establishment providing cosmetology services to patrons for compensation

10 Licensees' cosmetology establishment license no. 2005001353 of Salon K is culpable for the conduct and violations as described in this Joint Stipulation below

11 On or about April 1, 2008, the Board's inspector conducted an inspection of Salon K, finding Licensee, Kim Meecey's, Class CA Cosmetology license 111228 was expired for her failure to renew the license by the renewal date in violation of §§ 329 120, RSMo, 329 250, RSMo, and Board Rules 20 CSR 2085-7 040(2) and 20CSR 2085-7 040(2)(C) Licensee, Kim Meecey also failed to post her cosmetology license in public view in violation of § 329 110 1, RSMo, and Board Rules 20 CSR 2085-10 010(3)(A) and 20 CSR 2085-10 060(2)

12 On April 1, 2008, Licensee Kim Meecey, was performing cosmetology services without a current and active license in violation of Board Rule 20 CSR 2085-10 060(1)

13 On or about April 1, 2008, December 17 2008 and March 4 2009, the Board's inspector conducted an inspection of Salon K finding non-service dogs present in the salon in violation of Board Rule 20 CSR 2085-11 020(2)(B)

13 On or about June 6, 2008, August 27, 2008, and March 4, 2009, the Board's inspector conducted inspections of Salon K, finding implements and instruments failed to be clean and sanitized after each use in violation of Board Rules 20 CSR 2085-11 020(2)(A)(5), and 20 CSR 2085-11 020(2)(D)

14 Licensees received violation notices on May 5, 2008 August 5, 2008, and November 25, 2008 from the Board's Executive Director regarding the violations reported during the inspections of April 1, 2008, June 6, 2008, and August 27, 2008

15 Licensees received a letter dated January 23, 2009 from the Board's Executive Director requesting that the manager and all employees of Salon K attend the February 9, 2009 sanitation workshop

16 Licensees wrote and mailed a letter dated February 5, 2009 to the Board that all sanitation violations were corrected and that they would not be attending the sanitation workshop

on February 9, 2009 Sanitation violations were then found and reported on the March 4, 2009 inspection

16 Cause exists to discipline Licensees' cosmetology establishment license no 2005001353 of Salon K pursuant to §329 140 2, RSMo states, in part

2 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

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession 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,

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice under this chapter,

(13) Violation of any professional trust or confidence,

(15) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof

17 Parties stipulate Licensees violated Chapter 329, RSMo , in the following ways

a Licensees engaged in misconduct as prohibited by § 329 140 2(5), RSMo , by allowing Kim Meecey to perform cosmetology services on an expired license

b Licensees violated 20 CSR 2085-10 060(1), in violation of § 329 140 2(6), RSMo , by allowing Kim Meecey to perform cosmetology services on an expired license

c Licensees violated §§ 329 140 2(6), RSMo . and 329 140 2(10) RSMo by assisting Kim Meecey to violate §§ 329 120, RSMo, 329 250, RSMo, and Board Rules 20 CSR 2085-7 040(2) and 20CSR 2085-7 040(2)(C) for failing to renew her cosmetology license by the expiration date

d Licensees violated §§ 329 140 2(6) RSMo and 329 140 2(10), RSMo . by assisting Kim Meecey to violate § 329 110 1, RSMo, and Board Rules 20 CSR 2085-10 010(3)(A) and 20 CSR 2085-10 060(2), for failing to have a current cosmetology license displayed and/or posted in public view

e Licensees violated professional trust and confidence owed the Board, patrons, and public, pursuant to § 329 140 2(13), RSMo , by allowing Kim Meecey to perform cosmetology services on an expired license

f Licensees engaged in misconduct as prohibited by § 329 140 2(5), RSMo , by allowing non-services dogs to be present in the establishment

g Licensees violated Board Rule 20 CSR 2085-11 020(2)(B), in violation of § 329 140 2(6), RSMo . by allowing non-services dogs to be present in the establishment

h Licensees engaged in misconduct as prohibited by § 329 140 2(5), RSMo , by failing to comply with the sanitary rules and regulations of the Board

i Licensees violated Board Rules 20 CSR 2085-11 020(2)(A)(5) and 20 CSR 2085-11 020(2)(D), in violation of §§ 329 140 2(6), RSMo , and 329 140 2(10), RSMo , by failing and assisting employees to fail to comply with the sanitary rules and regulations of the Board

j Licensees violated a professional trust and confidence owed the Board, patrons, and public, pursuant to § 329 140 2(13), RSMo , by failing to guard against contagious, infectious, or communicable diseases or the spread thereof as required by rules and regulations of the Board

k Licensees violated § 329 140 2(15), RSMo , by failing to guard against contagious, infectious, or communicable diseases or the spread thereof as required by rules and regulations of the Board

11.

JOINTLY AGREED UPON DISCIPLINARY ORDER

Based on the foregoing the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered into by the Board in this matter under the authority of § 329 140, 536 060, 621 045 3, and 621 110, RSMo

l Licensees' cosmetology establishment license no 2005001353 of Salon K, shall be suspended for one (1) week (5 days) from April 5, 2010 to April 9, 2010 After serving the one (1) week's suspension, Licensees' cosmetology establishment license no 2005001353 of Salon K shall be placed on probation for five (5) years Licensees shall be entitled to operate

Salon K as a cosmetology establishment offering cosmetology services as of April 10, 2010, provided Licensees adheres to all the terms stated herein

2 Terms and conditions of the disciplinary period are as follows

A Licensees shall keep the Board apprised at all times in writing of their current residential and business addresses and telephone numbers. Licensees shall notify the Board in writing within ten days of any changes in this information. Licensees are responsible for ensuring that such notification is received by the Board within the time specified

B Licensees shall timely renew their individual licenses and the cosmetology establishment license for Salon K when required and shall maintain such licenses in an active and valid state throughout the disciplinary period, including but not limited to, timely paying all fees required for license renewal

C If at any time during the disciplinary period, Licensees change residence from the state of Missouri, Licensees and their cosmetology establishment ceases to be currently licensed under the provisions of Chapter 329, RSMo, fails to timely pay all fees required for license renewal, or fails to keep the Board advised of all current places of business then the time of absence, unlicensed status, delinquency in paying fees for license renewal, or unknown whereabouts shall not be included in the disciplinary period

D Licensees shall comply with all provisions of Chapter 329, RSMo, all rules and regulations of the Board, and all local, state, and federal laws. "State" as used herein refers to the state of Missouri and all other states and territories of the United States

E Licensees shall accept and comply with reasonable unannounced visits from the Board's duly authorized agents to monitor compliance with the terms and conditions stated herein

F Licensees shall submit written reports to the Board on or before January 1 and July 1 during each year of the disciplinary period truthfully stating whether there has been compliance with all terms and conditions of this Agreement. The first such report shall be received by the Board on or before July 1, 2010. Licensees are responsible for ensuring that the Board receives each report by the date due

G No dogs shall be permitted in the cosmetology establishment of Salon K unless they are certified as service dogs for patrons pursuant to Section 209 200, RSMo

3 Upon the expiration of the probationary period, Licensees' cosmetology establishment license no 2005001353 of Salon K, shall be fully restored if all requirements of law and the terms and conditions of this Agreement have been satisfied

4 If any alleged violation of this Agreement occurs during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred. Licensees agree and stipulate that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this Agreement has occurred

5 No additional discipline shall be entered by the Board pursuant to the preceding paragraph of this Agreement without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 329, RSMo

6 If the Board determines that Licensees have violated a term or condition of this Agreement, which violation would also be actionable in a proceeding before the Administrative

Hearing Commission or the Circuit Court, the Board may, in its direction, vacate and set aside the discipline imposed herein and impose such further discipline as the Board deems appropriate and may elect to pursue any lawful remedies or procedures afforded it, and the Board is not bound by this Agreement in its determination of appropriate legal actions concerning such violation

7 This Agreement does not bind the Board or restrict the remedies available to it concerning facts or conduct and its resulting violations by Licensees of Chapter 329, RSMo, or the regulations promulgated thereunder not specifically mentioned in this Agreement that are either now known by the Board or may be discovered

8 The parties to this Agreement agree to pay all their own fees and expenses incurred as a result of this case, its investigations, its settlement, and/or litigation

9 Licensees, together with their shareholders, partners, heirs, assigns, agents, employees, representatives, and attorneys, do hereby waive, release, acquit and forever discharge the Board, its representative members, employees, agents, and attorneys, including former members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs, expenses, and compensation, including, but not limited to, any claim for attorney's fees and expenses, whether or not now known or contemplated. This includes, but is not limited to, any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case, its investigation, its litigation, its settlement, or from the negotiation or execution of this Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of the Agreement in that it survives in perpetuity even in the event that any

court or administrative tribunal deems this Agreement or any portion thereof void or unenforceable

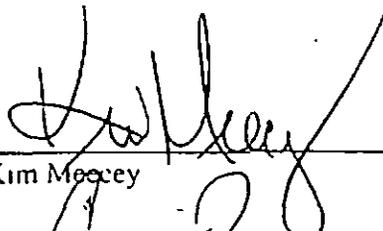
10 The terms of this Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Agreement nor any of its provisions may be changed, waived, discharged, or terminated except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

11 The parties to this Agreement understand that the Board will maintain this Agreement as an open and public record of the Board as required by Chapters 329, 610, 620, and 621, RSMo.

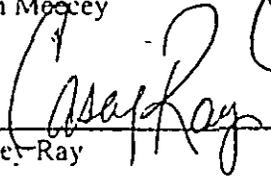
12 Licensees understand that they may, either at the time the Agreement is signed by all parties, or within fifteen (15) days thereafter, submit the Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Licensees' cosmetology establishment license no. 2005001353 of Salon K. If Licensees desires the Administrative Hearing Commission to review this Agreement, Licensees may submit its request to Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P. O. Box 1557, Jefferson City, Missouri 65101.

13 If Licensees have requested review, this Agreement shall become effective on the date the Administrative Hearing Commission issues its order finding that the Agreement sets forth cause for disciplining Licensees' cosmetology establishment license no. 2005001353 of Salon K. If Licensees has not requested review, this Agreement becomes effective fifteen (15) days after the document is signed by the Executive Director of the Board.

LICENSEES



 Kim Meecey Date 2/22/10



 Casey Ray Date 2/22/10

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS



 Jeff Griffin Date 3-2-10
 Executive Director

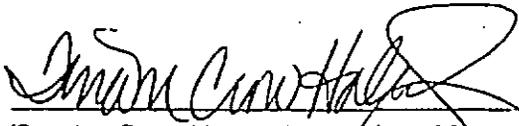
Respectfully submitted,

Respectfully submitted.

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