

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

In the Matter of the Application of)
)
ALMIR SEFEROVIC,)
)
Applicant.)

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS ISSUING A PROBATIONARY
BARBER LICENSE TO ALMIR SEFEROVIC**

The Missouri State Board of Cosmetology and Barber Examiners (the “Board”) hereby issues its **ORDER** granting a **PROBATIONARY BARBER LICENSE**, License No. 2013016128, to Almir Seferovic (hereafter “Seferovic”), pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo,¹ Seferovic may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Board’s decision to issue a probated student license. Such written request must be filed with the Administrative Hearing Commission within 30 days of delivery or mailing of this Order of the Board. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman State Office Building, Room 640, Jefferson City, MO 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the Board’s decision shall be considered waived. Should Seferovic file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless or until such time as the Administrative Hearing Commission issues an Order to the contrary.

¹ All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

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. Almir Seferovic currently resides at 409 Sylvan Spring Road, St. Louis, Missouri.

3. On or about November 16, 2010, Seferovic applied for a student barber license to enroll at Antonio's Barber College, 6353 Natural Bridge, St. Louis, Missouri. The Board issued Seferovic's student barber license, license number 2010040728 on or about December 7, 2010.

4. On or about November 14, 2011, Seferovic provided the Board with his Notice of Termination for Barber Student.

5. On or about July 23, 2012, Seferovic took the barber theory written examination. During the examination, another examinee witnessed Seferovic remove his cell phone and take pictures of the computer screen on which the examination was given. A proctor with the testing entity confronted Seferovic and requested he turn over his cell phone. Seferovic, after some reluctance, turned over his cell phone. The proctor viewed the phone and determined Seferovic took approximately ten pictures of the examination screens. The proctor deleted the exam images from Seferovic's cell phone and returned the phone to Seferovic.

6. The Board notified Seferovic that he passed both the written and practical barber examinations for licensure as a barber on or about July 25, 2012.

7. Seferovic holds a barber establishment license, license number 2013003509, for New Look. The Board issued Seferovic's barber establishment license on January 31, 2013.

8. On or about April 4, 2013, the Board inspected New Look. Seferovic was the only operator present and New Look was open for business. The Board's inspection noted the following violations: Seferovic did not have a current and active operator license and it was not posted in public view in violation of regulations 20 CSR 2085-5.040(2)(A), 10.010(3)(A) and 10.060(3). The inspector noted that Seferovic was the only operator at New Look and had a station set up which he was using. The inspector also noted that he informed Seferovic not to operate until he had a current and posted operator license. On or about April 26, 2013, the Board sent Seferovic a violation notice regarding the April 4, 2013 inspection.

II.

CONCLUSIONS OF LAW

9. The Board has authority to deny or refuse a license application pursuant to § 328.150.1, 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.

10. The Board has cause to deny or refuse Seferovic's application for a barber license pursuant to § 328.150.2, 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 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;

(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[.]

11. As a result of Seferovic's actions, as detailed in paragraphs 3 through 8 above, the Board has cause to deny or refuse Seferovic's application for a barber license pursuant to § 328.150.1, RSMo, and § 328.150.2(4), (5), (6) and (7), RSMo.

12. 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.

13. The Board issues this Order in lieu of denial of Seferovic's application for a barber license. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

14. Based on the foregoing, Almir Seferovic is granted a barber license, which is hereby placed on **PROBATION** for a period of three (3) years from the effective date of this Order, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

15. During the aforementioned probation, Almir Seferovic shall be entitled to hold himself out as a licensed barber subject to the following terms and conditions:

- A. During the disciplinary period, Seferovic 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 disciplinary period, Seferovic shall keep the Board informed of his current work addresses and home telephone numbers. Seferovic shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Seferovic shall timely renew his 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, Seferovic 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, Seferovic shall appear in person for interviews with the Board or its designee upon request.
- F. Seferovic 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, 2013.
- G. If, at any time during the probationary period, Seferovic 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, 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 Seferovic to comply with any condition of discipline set forth herein constitutes a violation of this Order.

16. 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, 328 and 329 RSMo, or the regulations promulgated thereunder.

17. The Board will maintain this Order as an open, public record of the Board as provided in Chapters 328, 329, 610, and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 31 DAY OF MAY, 2013.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director