SETTLEMENT AGREEMENT BETWEEN THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS AND STEVEN WATSON, BYRON SMITH AND METRO BARBER COLLEGE

Steven Watson, Byron Smith individually, as instructors and as holders of the barber school license for Metro Barber College, hereinafter ("Respondents") 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 Steven Watson's barber license number 2004029888, Steven Watson's barber instructor license number 2004029889, Byron Smith's barber license number 2004033271, Byron Smith's barber instructor license number 2004033440, and the barber school license for Metro Barber College, license number 2004021946, 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. Respondents 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.

Respondents 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 his 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 Respondents 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. Being aware of these rights provided to them by law, Respondents knowingly and voluntarily waives each and every one of these rights and freely enters into this Agreement and agrees to abide by the terms of the this document as those terms pertain to them.

Respondents acknowledges that the Board and its attorney followed the procedure enumerated in § 621.045, RSMo, including, but not limited to providing Respondents 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, Respondents stipulate their individual barber licenses, their barber instructor licenses and the barber school license for Metro Barber College, are subject to disciplinary action by the Board in accordance with the provisions of Chapters 621 and 328, RSMo.

The parties stipulate and agree that the disciplinary order agreed to by the Board and Respondents in Part II herein is based only on the agreed upon stipulation of facts and conclusions of law set out in Part I herein. Respondents understand that the Board may take further disciplinary action against Respondents' licenses 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 Respondents stipulate to the following:

I.

JOINT STIPULATION OF FACTS & CONCLUSIONS OF LAW

1. The Board is an agency of the State of Missouri created and existing pursuant to § 328.015, RSMo, for the purpose of executing and enforcing the provisions of §§ 328.010 through 328.160, RSMo, relating to Barbers and Barber Colleges.
2. Steven Watson's barber license number 2004029888 is current, valid, and active.
3. Steven Watson's barber instructor license number 2004029889 is current, valid, and active.
4. Byron Smith's barber license number 2004033271 is current, valid, and active.
5. Byron Smith's barber instructor license number 2004033440 is current, valid, and active
6. Steven Watson and Byron Smith, own and operate a barber college, Metro Barber College, a limited liability corporation, located at 3801 East 27th Street, Kansas City, Missouri 64129, which is registered with the Missouri Secretary of State's Office.
7. Steven Watson and Byron Smith, are properly registered with the Board as the Co-owners of Metro Barber College.
8. Metro Barber College is located at 3801 East 27th Street, Kansas City, Missouri 64129 is properly registered with the Board.
9. Steven Watson and Byron Smith, are the holders of the barber school license for Metro Barber College, license number 2004021946.
10. Metro Barber College's school license number 2004021946 is current, valid, and active.
11. From November, 2004 to present, Metro Barber College has been owned and

operated by Steven Watson and Byron Smith.

12. From November, 2004 to present, Steven Watson taught students at Metro Barber College about the practice and occupation of barbering, and the rules and regulations of the Board governing the practice of barbering; and, as such, Steven Watson's barber license no. 2004029888 and Steven Watson's barber instructor license no. 2004029889 are culpable for the conduct and violations as described in this Complaint and revealed by the Board's inspectors.

13. From November, 2004 to present, Byron Smith taught students at Metro Barber College about the practice and occupation of barbering, and the rules and regulations of the Board governing the practice of barbering; and, as such, Byron Smith's barber license no. 2004033271 and Byron Smith's barber instructor license no. 2004033440 are culpable for the conduct and violations as described in this Complaint and revealed by the Board's inspectors.

14. From November, 2004 to present, Metro Barber College operated as a barber school; and, as such, Metro Barber College's school license number 2004021946 is culpable for the conduct and violations as described in this Complaint and revealed by the Board's inspectors pursuant to § 1.020(11), RSMo.

15. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to § 621.045, RSMo, and § 328.150.2, RSMo, which authorizes the Board to seek disciplinary action against any person for violating §§ 328.010 through 328.160, RSMo.

16. Steven Watson and Byron Smith were not lawfully licensed as barbers much less as barber instructors prior to April, 2004 or at the time of the submission of the barber

school application.

17. Steven Watson, Byron Smith, and Metro Barber College's failure to have a working time clock to accurately record the exact number of hours worked each day by each student, violates Board Rules 20 CSR 2085-12.010(9)(F)(2), and 20 CSR 2085-12.020(4).

18. By failing to have a working time clock to accurately record the exact number of hours worked each day by each student, Respondents demonstrated misconduct pursuant to § 328.150.2(5), RSMo.

19. By failing to have a working time clock to accurately record the exact number of hours worked each day by each student, Respondents violated Board Rules 20 CSR 2085-12.010(9)(F)(2), and 20 CSR 2085-12.020(4), in violation of § 328.150.2(6), RSMo.

20. By failing to have a working time clock to accurately record the exact number of hours worked each day by each student, Respondents violated professional trust and confidence owed the Board, patrons, students, and the public, pursuant to § 328.150.2(13), RSMo.

21. Respondents failed to correct the violations regarding having a working time clock reported on the inspections conducted on August 30, 2005, September 21, 2005, October 19, 2005, and April 8, 2008.

22. Steven Watson, Byron Smith, and Metro Barber College's failure to ensure that all students had photo identification attached to their student registrations, violates Board Rules 20 CSR 2085-10.010(3)(B), and 20 CSR 2085-12.010(9)(B).

23. By failing to have photo identification attached to each of the students' registrations,

Respondents demonstrated misconduct pursuant to § 328.150.2(5), RSMo.

24. By failing to have photo identification attached to each of the students' registrations, Respondents violated Board Rules 20 CSR 2085-10.010(3)(B), and 20 CSR 2085-12.010(9)(B), in violation of § 328.150.2(6), RSMo.

25. By failing to have photo identification attached to each of the students' registrations, Respondents violated the professional trust and confidence owed the Board, and the students, pursuant to § 328.150.2(13), RSMo.

26. Respondents failed to correct the violations regarding student photo identification reported on the September 21, 2005, October 19, 2005, September 18, 2008, and January 13, 2009 inspections.

27. Steven Watson and Metro Barber College allowed and permitted Byron Smith to teach barbering to the students of Metro Barber College with an expired instructor license in violation of §§ 328.090, RSMo., and 328.160, RSMo.

28. Steven Watson, Byron Smith, and Metro Barber College's failure to provide soap in the men's restrooms for students, violates Board Rule 20 CSR 2085-11.010(1)(C) and Board Rule 20 CSR 2085-12.020(2)(C)(12).

29. Steven Watson, Byron Smith, and Metro Barber College's failure to keep soiled towels in a closeable leak-proof container, violates Board Rule 20 CSR 2085-11.010(2)(A)(3) and Board Rule 20 CSR 2085-12.020(2)(C)(10).

30. Steven Watson, Byron Smith, and Metro Barber College's failure to notify the Board that Alphonso Davis had successfully completed his course of study in barbering and had graduated, violates §§ 328.120.6, RSMo., and 328.160, RSMo.

31. Steven Watson, Byron Smith, and Metro Barber College's failure to submit a

termination report for Alphonso Davis to the Board within two (2) weeks after Alphonso Davis terminated his training, violates Board Rule 20 CSR 2085-12.010(9)(C) and Board Rule 20 CSR 2085-12.010(9)(C)(1).

32. Steven Watson, Byron Smith, and Metro Barber College's failure to submit a termination report for Jarvis Lamar Jones to the Board within two (2) weeks after Jarvis Lamar Jones failed to start school, violates Board Rule 20 CSR 2085-12.010(9)(C) and Board Rule 20 CSR 2085-12.010(9)(C)(1).

33. Allowing and permitting Byron Smith to teach barbering to students with an expired instructors license, demonstrates misconduct in violation of § 328.150.2(5), RSMo.

34. By allowing and permitting Byron Smith to teach barbering to students with an expired instructors license, Respondents violated § 328.150.2(6), RSMo., for assisting and/or enabling individuals to violate §§ 328.090, RSMo., and 328.160, RSMo.

35. By allowing and permitting Byron Smith to teach barbering to students with an expired instructors license, Respondents violated professional trust and confidence owed the Board, patrons, students, and the public, pursuant to § 328.150.2(13), RSMo.

36. By failing to comply with the sanitary rules and regulations of the Board, such as not providing soap in the men's restrooms for students and not keeping soiled towels in a closeable leak-proof container, Respondents demonstrated misconduct pursuant to § 328.150.2(5), RSMo.

37. By failing to comply with the sanitary rules and regulations of the Board, such as not providing soap in the men's restrooms for students and not keeping soiled towels in a closeable leak-proof container, Respondents violated § 328.160, RSMo., and Board

Rules 20 CSR 2085-11.010(1)(C), 20 CSR 2085-11.010(2)(A)(3), 20 CSR 2085-12.020(2)(C)(10), 20 CSR 2085-12.020(2)(C)(12), in violation of § 328.150.2(6), RSMo.

38. By failing to comply with the sanitary rules and regulations of the Board, such as not providing soap in the men's restrooms for students and not having soiled towels in a closeable leak-proof container, Respondents violated professional trust and confidence owed the Board, patrons, and the public, pursuant to § 328.150.2(13), RSMo.

39. By failing to comply with the sanitary rules and regulations of the Board, such as not providing soap in the men's restrooms for students and not keeping soiled towels in a closeable leak-proof container, Respondents violated § 328.150.2(15), RSMo.

40. By failing to notify the Board that Alphonso Davis had successfully completed his course of study in barbering and had graduated and them failing to submit a termination report for Alphonso Davis to the Board within two (2) weeks after Alphonso Davis terminated his training, Respondents demonstrated misconduct pursuant to § 328.150.2(5), RSMo.

41. By failing to notify the Board that Jarvis Lamar Jones failed to start school and them failing to a submit termination report for Jarvis Lamar Jones to the Board within two (2) weeks after Jarvis Lamar Jones failed to start school, Respondents violated §§ 328.120.6, RSMo., and 328.160, RSMo., and Board Rules 20 CSR 2085-12.010(9)(C) and Board Rule 20 CSR 2085-12.010(9)(C)(1), in violation of § 328.150.2(6), RSMo.

42. By failing to notify the Board that Alphonso Davis had successfully completed his

course of study in barbering and had graduated and them failing to submit a termination reports for Alphonso Davis to the Board within two (2) weeks after Alphonso Davis terminated his training, Respondents violated the professional trust and confidence owed the Board, and the students, pursuant to § 328.150.2(13), RSMo.

43. By failing to notify the Board that Jarvis Lamar Jones failed to start school and them failing to a submit termination report for Jarvis Lamar Jones to the Board within two (2) weeks after Jarvis Lamar Jones failed to start school, Respondents violated the professional trust and confidence owed the Board, and the students, pursuant to § 328.150.2(13), RSMo.

44. Steven Watson, Byron Smith, and Metro Barber College's failure to submit termination reports for Anthony Edwards and Tyler Williams to the Board within two (2) weeks after Anthony Edwards and Tyler Williams terminated their training, violates Board Rules 20 CSR 2085-12.010(9)(C) and Board Rule 20 CSR 2085-12.010(9)(C)(1).

45. Steven Watson, Byron Smith, and Metro Barber College's failure to submit termination reports for Cena Raenette Hayter-Sirls and Jarvis Lamar Jones to the Board within two (2) weeks after Cena Raenette Hayter-Sirls and Jarvis Lamar Jones failed to start school, violates Board Rules 20 CSR 2085-12.010(9)(C) and Board Rule 20 CSR 2085-12.010(9)(C)(1).

46. By failing to submit termination reports for Anthony Edwards and Tyler Williams to the Board within two (2) weeks after Anthony Edwards and Tyler Williams terminated their training, Respondents demonstrated misconduct pursuant to §

328.150.2(5), RSMo.

47. Failing to submit termination reports for Anthony Edwards and Tyler Williams to the Board within two (2) weeks after Anthony Edwards and Tyler Williams terminated their training, in violation of Board Rules 20 CSR 2085-12.010(9)(C) and 20 CSR 2085-12.010(9)(C)(1), violates § 328.150.2(6), RSMo.

48. By failing to submit termination reports for Anthony Edwards and Tyler Williams to the Board within two (2) weeks after Anthony Edwards and Tyler Williams terminated their training, Respondents violated professional trust and confidence owed the Board, and the students, pursuant to § 328.150.2(13), RSMo.

49. By failing to submit termination reports for Cena Raenette Hayter-Sirls and Jarvis Lamar Jones to the Board within two (2) weeks after Cena Raenette Hayter-Sirls and Jarvis Lamar Jones failed to start school, Respondents demonstrated misconduct pursuant to § 328.150.2(5), RSMo.

50. Failing to submit termination reports for Cena Raenette Hayter-Sirls and Jarvis Lamar Jones to the Board within two (2) weeks after Cena Raenette Hayter-Sirls and Jarvis Lamar Jones failed to start school, in violation of Board Rules 20 CSR 2085-12.010(9)(C) and 20 CSR 2085-12.010(9)(C)(1), violates § 328.150.2(6), RSMo.

51. By failing to submit termination reports for Cena Raenette Hayter-Sirls and Jarvis Lamar Jones to the Board within two (2) weeks after Cena Raenette Hayter-Sirls and Jarvis Lamar Jones failed to start school, Respondents violated professional trust and confidence owed the Board, and the students, pursuant to § 328.150.2(13), RSMo.

52. On or about September 18, 2008, the Board's Inspector found Cleo Rozena Johnson present and accumulating training hours since July 16, 2008. Ms. Johnson's student

registration was not posted.

53. On or about September 18, 2008, the Board's Inspector also verified during the inspection that a student application for Cleo Rozena Johnson was received by the Board on June 20, 2008, but no fee was received, thus no student registration had been issued.

54. Steven Watson, Byron Smith, and Metro Barber College's failure to ensure Cleo Rozena Johnson obtained a valid student registration before entering school and accumulating training hours, Respondents violated §§ 328.120.5, RSMo., 328.160, RSMo., and Board Rule 20 CSR 2085-12.010(9)(B).

55. By failing to ensure Cleo Rozena Johnson obtained a valid student registration before entering school and accumulating training hours, Respondents demonstrated misconduct pursuant to § 328.150.2(5), RSMo.

56. Failing to ensure Cleo Rozena Johnson obtained a valid student registration before entering school and accumulating training hours, in violation of §§ 328.120.5, RSMo., 328.160, RSMo., and Board Rule 20 CSR 2085-12.010(9)(B), violates § 328.150.2(6), RSMo.

57. By failing to ensure Cleo Rozena Johnson obtained a valid student registration before entering school and accumulating training hours, Respondents violated professional trust and confidence owed the Board, and the students, pursuant to § 328.150.2(13), RSMo.

58. Respondents failed to correct the violations reported on the September 18, 2008 inspection.

59. Respondent, Steven Watson, has acknowledged that Respondents require a

probationary period for students approximately six (6) weeks wherein these students work in the school and are accumulating hours after they receive their student registrations.

60. Steven Watson, Byron Smith, and Metro Barber College's failure to submit termination reports for Brian Williams, Chauncey Monroe, Jr., Jennifer Gordon, and Jermaine Gadson to the Board within two (2) weeks after Brian Williams, Chauncey Monroe, Jr., Jennifer Gordon, and Jermaine Gadson graduated and/or terminated their training, violates Board Rules 20 CSR 2085-12.010(9)(C) and Board Rule 20 CSR 2085-12.010(9)(C)(1).

61. By failing to submit termination reports for Brian Williams, Chauncey Monroe, Jr., Jennifer Gordon, and Jermaine Gadson to the Board within two (2) weeks after Brian Williams, Chauncey Monroe, Jr., Jennifer Gordon, and Jermaine Gadson graduated and/or terminated their training, Respondents demonstrated misconduct pursuant to § 328.150.2(5), RSMo.

62. Failing to submit termination reports for Brian Williams, Chauncey Monroe, Jr., Jennifer Gordon, and Jermaine Gadson to the Board within two (2) weeks after Brian Williams, Chauncey Monroe, Jr., Jennifer Gordon, and Jermaine Gadson graduated and/or terminated their training, in violation of Board Rules 20 CSR 2085-12.010(9)(C) and Board Rule 20 CSR 2085-12.010(9)(C)(1), violates § 328.150.2(6), RSMo.

63. By failing to submit termination reports for Brian Williams, Chauncey Monroe, Jr., Jennifer Gordon, and Jermaine Gadson to the Board within two (2) weeks after Brian Williams, Chauncey Monroe, Jr., Jennifer Gordon, and Jermaine Gadson graduated

and/or terminated their training, Respondents violated professional trust and confidence owed the Board, and the students, pursuant to § 328.150.2(13), RSMo.

64. Steven Watson, Byron Smith, and Metro Barber College's failure to provide a work station for each student, violates Board Rules 20 CSR 2085-12.010(4)(C) and 20 CSR 2085-12.020(2)(C)(3).

65. Steven Watson, Byron Smith, and Metro Barber College's failure to have sanitary drinking water for their students, violates 20 CSR 2085-12.020(2)(C)(6).

66. Steven Watson, Byron Smith, and Metro Barber College's failure to keep the school clean, violates Board Rule 20 CSR 2085-11.010(1)(A).

67. Failing to provide a work station for each student in violation of Board Rules 20 CSR 2085-12.010(4)(C) and 20 CSR 2085-12.020(2)(C)(3), violates § 328.150.2(6), RSMo.

68. Failing to have sanitary drinking water for the students in violation of 20 CSR 2085-12.020(2)(C)(6), violates § 328.150.2(6), RSMo.

69. Failing to have sanitary drinking water for the students, violates § 328.150.2(15), RSMo.

70. By failing to keep the school clean, Respondents demonstrated misconduct pursuant to § 328.150.2(5), RSMo.

71. Failing to keep the school clean in violation of Board Rule 20 CSR 2085-11.010(1)(A), violates § 328.150.2(6), RSMo.

72. By failing to keep the school clean, Respondents violated § 328.150.2(15), RSMo.

73. On or about February 19, 2008, the Board received a complaint filed by Kimberly R. Hunley against Respondents, located at 3801 E. 27th Street, Kansas City, Missouri

64129.

74. Kimberly R. Hunley was a student of Metro Barber College and held a student registration number 2006034739.

75. Kimberly R. Hunley stated in her complaint that she paid the school for her student hours but Steven Watson and Byron Smith refused to submit her paperwork of completion and her school hours to the Board. She also stated that the school had no time clock and her school hours were falsified.

76. On or about December 8, 2008, the Board received a complaint filed by Dantrell Carter against Respondents, located at 3801 E. 27th Street, Kansas City, Missouri 64129.

77. Dantrell Carter was a student of Metro Barber College and held a student registration number 2008005623.

78. Dantrell Carter was dismissed from Metro Barber College on or about October 14, 2008 after a dispute arose between him and Steven Watson. Dantrell Carter claims that he paid for a school book in January 2008 and never received it.

79. Dantrell Carter sought to transfer to a different barber school in Kansas City, Missouri and requested Metro Barber College send in his termination papers to the Board along with the hours he accumulated. Steven Watson and Byron Smith refused to terminate Mr. Carter and submit his training hours.

80. Dantrell Carter informed both Steven Watson and Byron Smith on numerous occasions that he wished to terminate his training at Metro Barber College.

81. On or about December 8, 2008, the Board also received a letter from Dantrell Carter asking Metro Barber College to discontinue his training at Metro Barber College,

send in the termination papers, and his training hours to the Board of Cosmetology and Barber Examiners.

82. On or about March 2, 2009, the Board received a complaint filed by Cleo R. Johnson against Respondents, located at 3801 E. 27th Street, Kansas City, Missouri 64129.

83. Cleo R. Johnson was attending Metro Barber College and accumulating training hours as required in the barber curriculum without a student registration although Steven Watson, Byron Smith, and Metro Barber College represented to her she had one.

84. Cleo R. Johnson received more than 300 unrecognized hours because Respondents failed to properly submit her student enrollment forms.

85. Accordingly, cause exists to discipline the conduct of Respondents as Respondents violated Chapter 328, RSMo, and rules and regulations of the Board, which are grounds for this Commission to find cause to discipline Respondent Steven Watson's barber license no. 2004029888 and barber instructor license no. 2004029889, Respondent Byron Smith's barber license no. 2004033271 and barber instructor license no. 2004033440, and Respondent Metro Barber College's barber school license number 2004021946 pursuant to §§ 328.150.2(4), RSMo., 328.150.2(5), RSMo., 328.150.2(6), RSMo., 328.150.2(13), RSMo., and 328.150.2(15), RSMo.

II.

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.

1. Respondent Steven Watson's barber license no. 2004029888 and barber instructor license no. 2004029889, Respondent Byron Smith's barber license no. 2004033271 and barber instructor license no. 2004033440, and Respondent Metro Barber College's barber school license number 2004021946 shall be suspended for 14 days. Said suspension shall be immediately stayed and Respondent Steven Watson's barber license no. 2004029888 and barber instructor license no. 2004029889, Respondent Byron Smith's barber license no. 2004033271 and barber instructor license no. 2004033440, and Respondent Metro Barber College's barber school license number 2004021946, shall be placed on probation for a period of three (3) years. Respondents shall be otherwise entitled to offer and perform barbering services and instruction provided Respondents adheres to all the terms stated herein.

2. Terms and conditions of the disciplinary period are as follows:

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

B. Respondents shall timely renew their licenses 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, Respondents change residence from the state of Missouri, cease to be currently licensed under the provisions of Chapter 328, RSMo, fail to timely pay all fees required for license renewal, or fail to keep the Board advised of all current places of residence and 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. Respondents shall comply with all provisions of Chapter 328, 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. Respondents 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. Respondents 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. Respondents are responsible for ensuring that the Board receives each report by the date due.

3. Upon the expiration of the probationary period, Respondent Steven Watson's barber license no. 2004029888 and barber instructor license no. 2004029889, Respondent Byron Smith's barber license no. 2004033271 and barber instructor license no. 2004033440, and Respondent Metro Barber College's barber school license number 2004021946 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. Respondents 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 328, RSMo.

6. If the Board determines that Respondents 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 Respondents of Chapter 328, RSMo, or the regulations promulgated there under 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. Respondents, together with their shareholders, partners, heirs, assigns, agents, employees, representatives, and attorneys, does 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 know 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. Respondents understands 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 Respondent Steven Watson's barber license no. 2004029888 and barber instructor license no. 2004029889, Respondent Byron Smith's barber license no. 2004033271 and barber instructor license no. 2004033440, and Respondent Metro Barber College's barber school license number 2004021946. If Respondents desire the Administrative

Hearing Commission to review this Agreement, Respondents may submit his 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 Respondents 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 Respondent Steven Watson's barber license no. 2004029888 and barber instructor license no. 2004029889, Respondent Byron Smith's barber license no. 2004033271 and barber instructor license no. 2004033440, and Respondent Metro Barber College's barber school license number 2004021946. If Respondents have not requested review, this Agreement becomes effective fifteen (15) days after the document is signed by the Executive Director of the Board.

LICENSEES

Steven Watson
Date 8/05/10
Licensee

Byron Smith
Date 08/02/10
Licensee

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

Darla Fox
Date 8-26-2010
Acting Executive Director