

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

In the Matter of the Application of)
)
BRITTANY TRAVERS,)
)
Applicant.)

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS ISSUING A PROBATIONARY
COSMETOLOGY CLASS CA – ~~HAIRDRESSING~~ AND MANICURING LICENSE TO
BRITTANY TRAVERS**

The Missouri State Board of Cosmetology and Barber Examiners (the "Board") hereby issues its **ORDER** granting a **PROBATIONARY COSMETOLOGY CLASS CA-HAIRDRESSING AND MANICURING LICENSE**, License No. 2009019994, to Brittany Travers (hereafter "Travers"), pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Travers may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Board's decision to issue a probated 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 Travers 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.

Based upon the foregoing, the Board hereby states:

I.

FINDINGS OF FACT

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. Brittany Travers currently resides at 5064 Clayridge Drive, Apt. 308, St. Louis, MO 63129.

3. On or about February 5, 2008 Travers was issued a cosmetology student license by the Board.

4. As early as April 2009, Travers had craigslist.com posting on which she advertised cosmetology services in return for monetary compensation.

5. On or about April 17, 2009 and April 20, 2009, Travers exchanged electronic mail with potential paying customers responding to her craigslist advertisement. In these e-mail exchanges, Travers offered cosmetology services in exchange for monetary compensation or other consideration. At this time, Travers did not possess a cosmetology license other than her student license.

6. On or about July 13, 2009, Travers became eligible for a full Cosmetology Class CA –Hairdressing and Manicuring license.

II.

CONCLUSIONS OF LAW

7. The Board has authority to deny or refuse a license application pursuant to § 329.140.1, RSMo 2000, 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 Travers' application for a Cosmetology Class CA – Hairdressing and Manicuring license pursuant to § 329.140.2, RSMo 2000, 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) Incompetence, 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;

...

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed[.]

9. Student licensees may not perform cosmetology services outside of the school setting. As set forth in 20 CSR 2085-12.010(14), in pertinent part:

All work performed by the student on a customer shall be inspected and approved by an instructor before the customer exits the school. Students shall not exit from the classroom instruction or practical or written examinations to perform barbering or cosmetology services on customers.

And under 20 CSR 2085-12.010(8)(A), in pertinent part, “[s]tudents are prohibited from providing services to or demonstrations on the public in a satellite classroom.”

10. As a result of Travers advertising and offering cosmetology services outside of the school setting for compensation while only holding a student license the Board has cause to deny or refuse Travers’ application for a Cosmetology Class CA – Hairdressing and Manicuring license pursuant to § 329.140.1, RSMo, and § 329.140.2(4), (5), (6), (7) and (14), RSMo.

11. 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.

12. The Board issues this Order in lieu of denial of Travers’ application for a Cosmetology Class CA – Hairdressing and Manicuring license. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Based on the foregoing, Brittany Travers is granted a Cosmetology Class CA – Hairdressing and Manicuring 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

During the aforementioned probation, Brittany Travers shall be entitled to present herself and serve as a licensed Class CA – Hairdresser and Manicurist subject to the following terms and conditions:

- A. During the disciplinary period, Travers shall comply with all provisions of Chapter 329, 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, Travers shall keep the Board informed of her current work and home telephone numbers. Travers shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Travers shall timely renew her 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, Travers 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, Travers shall appear in person for interviews with the Board or its designee upon request.
- F. Travers 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 January 1, 2010.

- G. If, at any time during the probationary period, Travers changes her address from the state of Missouri, or ceases to maintain her cosmetology license current or active under the provisions of Chapter 329, 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. 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).
- 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 Travers 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, Chapters 324 and 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 329, 610, and 324, RSMo (as amended).

SO ORDERED, EFFECTIVE THIS 2ND DAY OF SEPTEMBER, 2009.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Darla Fox, Executive Director

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

STATE BOARD OF COSMETOLOGY)	
AND BARBER EXAMINERS,)	
)	
Petitioner,)	
)	Case number: 12-0008 CB
v.)	License number: 2009019994
)	
BRITTANY TRAVERS,)	
)	
Respondent.)	

**ORDER OF THE MISSOURI
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
DISCIPLINING THE COSMETOLOGY LICENSE OF
BRITTANY TRAVERS**

On or about September 2, 2009, the Board of Cosmetology and Barber Examiners ("Board") issued an Order of the Missouri State Board of Cosmetology and Barber Examiners Issuing a Probationary Cosmetology Class CA – Hairdressing and Manicuring License to Brittany Travers ("Probation Order") issuing Respondent a cosmetology operator license, license number 2009019994, subject to probation for three (3) years.

On July 30, 2012, at approximately 9:40 a.m., the Board held a hearing pursuant to notice and § 621.110 and § 324.042, RSMo,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 Settlement Agreement. The Board was represented by Legal Counsel Tina Crow Halcomb. Respondent received proper notice and opportunity to appear and did appear in person without legal counsel. After being

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

present and considering all of the evidence presented during the hearing, the Board issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Board hereby states:

I.

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 Brittany Travers is a natural person whose address of record for the Board is 10 Devondale Place, St. Peters, Missouri 63376.

3. Respondent holds a probationary cosmetology operator license issued by the Board, license number 2009019994.

4. On or about September 2, 2009, the Board issued a Probation Order issuing Respondent a cosmetology license, license number 2009019994, subject to three (3) years probation. Respondent's cosmetology operator license was placed on discipline because Respondent had offered or performed cosmetology services without first obtaining a license to do so.

5. Pursuant to the Probation Order, Respondent was entitled to continue to offer and engage in the practice of cosmetology under Chapter 329, RSMo, provided that she adhered to all of the terms and conditions of the Settlement Agreement.

6. The Probation Order, in paragraph IV, C, as a term and condition, requires:

During the disciplinary period, Travers shall timely renew her 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.

7. The Probation Order, in paragraph IV, F, as a term and condition, requires:

Travers 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 January 1, 2010.

8. On or about July 9, 2010, the Board sent Respondent a Probation Violation notice advising her of her failure to timely submit written letters of compliance to the Board for 2010.

9. On or about July 5, 2011, the Board sent Respondent a Probation Violation notice advising her of her failure to timely submit a written letter of compliance to the Board which was due on July 1, 2011.

10. On September 30, 2011, Respondent's probationary cosmetology operator license, license number 2009019994 expired due to non-renewal.

11. On or about December 1, 2011, the Board sent Respondent a Probation Violation notice advising her of her failure to timely submit a renewal form or payment to the Board in order to renew her license which was due September 30, 2011.

12. Respondent failed to renew her license until on or about January 4, 2012.

13. The Probation Order, in paragraph IV, H, as a term and condition, requires:

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).

14. The Probation Order, in paragraph IV, J, as a term and condition, states:

Any failure by Travers to comply with any condition of discipline set forth herein constitutes a violation of this Order.

15. Respondent testified that she was not aware of all of the probation requirements, that failing to comply was her fault, and that she was wrong. Respondent further testified that she now understood the probation terms and how to comply. Respondent testified that she likes doing hair, needs to support her family and will do what is needed to keep her license.

16. 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

17. This Board has jurisdiction over this proceeding pursuant to §§ 621.110 and 324.042, RSMo, and pursuant to the terms of the Settlement Agreement.

18. 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.

19. Respondent, by failing to timely renew her cosmetology license, violated paragraph IV, C, of the terms of the Probation Order. Accordingly, Respondent's cosmetology license is subject to further discipline by the Board.

20. Respondent, by failing to timely submit written reports to the Board, violated paragraph IV, F, of the terms of the Probation Order. Accordingly, Respondent's cosmetology license is subject to further discipline by the Board.

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

22. 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 cosmetology operator license of Brittany Travers, license number 2009019994, shall remain on PROBATION as set out in the Probation Order and such probation term shall be extended for two (2) additional years. Accordingly, Respondent's probation shall continue until September 2, 2014. The continuing probationary period shall be subject to the same terms and conditions as were outlined in the September 2, 2009 Probation Order.

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

SO ORDERED, THIS 12 DAY OF September, 2012.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily Carroll, Executive Director