

I.

FINDINGS OF FACT

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo,¹ 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. On or about June 21, 2016, Turner applied for a cosmetology student license to enroll at Hyde Beauty Academy, 3151 Litton Road, Chillicothe, Missouri.

3. On her application, Turner answered “yes” to the question “Have you been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution in this state or of the United States, whether or not sentence was imposed?”

4. With her application, Turner provided a statement regarding her criminal background. She stated she sold LSD and mushrooms to an undercover DEA agent three times in 2009 and 2010. She stated she was charged with three counts of the class B felony of Distribution of a Controlled Substance and was sentenced to ten years’ incarceration. She stated while incarcerated she’s completed ten classes. On July 5, 2016, Turner submitted an additional statement in which she stated she was also convicted of the class C felony of possession of a controlled substance for possession of methamphetamines.

5. A review of Turner’s criminal history reveals:

- a. On or about June 15, 2000, Turner pled guilty to the class B misdemeanor of DWI – alcohol in the Circuit Court of Cape Girardeau, Missouri, case number 32R050000673-01. The Court sentenced Turner to 30 days in jail.

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

- b. On or about June 18, 2001, Turner pled guilty to the class C felony of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana in the Circuit Court of St. Louis County, Missouri, case number 2100R-02203-01. The Court sentenced Turner to three years' incarceration.
- c. On or about January 15, 2008, Turner pled guilty to the class C felony of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana in the Circuit Court of Ste. Genevieve County, Missouri, case number 06D8-CR00179-01. The Court sentenced Turner to four years' incarceration but suspended the execution of sentence and placed Turner on five year's supervised probation. On August 17, 2010 the Court revoked Turner's probation, sentenced her to four years' incarceration pursuant to section 559.115, RSMo. The Court then ordered shock detention and her release on October 6, 2010 on probation. The Court again revoked her probation on December 14, 2010 and executed the incarceration sentence.
- d. On or about March 31, 2008, Turner pled guilty to the class B misdemeanor of Making a False Declaration in the Circuit Court of Jefferson County, Missouri, case number 06JE-CR01446. The Court sentenced Turner to 60 days in jail but suspended the execution of sentence and placed her on two years' probation. The Court revoked her probation and executed the jail sentence on April 27, 2010.
- e. On or about December 18, 2008, Turner pled guilty to the class C felony of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana in the Circuit Court of Iron County, Missouri, case number 06E9-CR00437-01. The Court suspended the imposition of sentence and placed Turner on three year's

supervised probation. On August 10, 2010, the Court revoked Turner's probation and sentenced her to four years' incarceration to be served concurrently with case number 06D8-CR00179-01.

- f. On or about November 15, 2010, Turner pled guilty to the class C felony of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana in the Circuit Court of Jefferson County, Missouri, case number 10JE-CR02044-01. The Court sentenced Turner to four years' incarceration concurrent with case number 06D8-CR00179-01. Following revocation of probation in this case, the Court also ordered a Long Term Treatment Program.
- g. On or about November 4, 2013, Turner pled guilty to the class C felony of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana and the class A misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Camden County, Missouri, case number 13CM-CR02140-01. The Court sentenced Turner to four years' incarceration on the possession charge and 120 days' incarceration on the unlawful use charge, to be served concurrently.
- h. On or about November 15, 2010, Turner pled guilty to 2 counts of the class B felony of Distribution/Delivery/Manufacture/Produce or Attempt to Possess W/Intent to Distribute/Deliver/Manufacture/Produce A Controlled Substance in the Circuit Court of Jefferson County, Missouri, case number 09JE-CR04668-01. The Court sentenced Turner to ten years' incarceration concurrent with case number 06D8-CR00179-01 and pursuant to section 559.115, RSMo. The Court ultimately revoked Turner's probation and sentenced her to ten years' incarceration.

- i. On or about January 25, 2016, Turner pled guilty to the class C felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana and the class C felony of Delivery/Attempt to Deliver/Possess/Deposit/Conceal a Controlled Substance in a Jail or Prison in the Circuit Court of Camden County, Missouri, case number 15CM-CR00692-01. The Court sentenced Turner to six years' incarceration on the possession charge and two years' incarceration on the jail possession charge to be served concurrently with credit for time served.

II.

CONCLUSIONS OF LAW

6. 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 his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

7. The Board has cause to deny or refuse Turner's application for a cosmetology student 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[.]

8. As a result of Turner's actions as set forth in paragraphs 2 through 5 above, the Board has cause to deny or refuse Turner's application for a cosmetology student license pursuant to § 329.140.1, RSMo, and § 329.140.2(2), RSMo.

9. 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, 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.

10. The Board issues this Order in lieu of denial of Turner's application for a cosmetology student license. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

11. Based on the foregoing, Crystal D. Turner is granted a cosmetology **student license**, which is hereby placed on **PROBATION** for the period during which he is enrolled in cosmetology school and receiving training hours, not to exceed five (5) years from the effective date of this Order. During the aforementioned probation, Crystal D. Turner shall be entitled to enroll as a cosmetology student subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

12. During the aforementioned probation, Crystal D. Turner, shall be entitled to enroll as a cosmetology student subject to the following terms and conditions:

- A. During the disciplinary period, Applicant 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, Applicant shall keep the Board informed of Applicant's current work and home telephone numbers. Applicant shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Applicant shall accept and comply with unannounced visits from the Board's representatives to monitor compliance with the terms and conditions of this Order.
- D. During the disciplinary period, Applicant shall appear in person for interviews with the Board or its designee upon request.
- E. Applicant 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, 2017.
- F. If, at any time during the probationary period, Applicant changes Applicant's address from the state of Missouri, or ceases to maintain Applicant's cosmetology student 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.
- G. 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.
- H. 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.

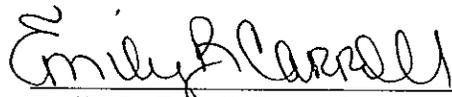
- I. Any failure by Applicant to comply with any condition of discipline set forth herein constitutes a violation of this Order.

13. This Order does not bind the Board or restrict the remedies available to it concerning any violation by Applicant of the terms and conditions of this Order, Chapter 329, RSMo, or the regulations promulgated thereunder.

14. 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 8th DAY OF JULY, 2016.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director