

**SETTLEMENT AGREEMENT BETWEEN MISSOURI STATE
BOARD OF COSMETOLOGY AND BARBER EXAMINERS
AND SUNITA VERMA, LICENSE NO. 2008035377**

Case Number 10-2376 CB

Comes now SUNITA VERMA (Licensee) and the Missouri State Board of Cosmetology and Barber Examiners (Board) and enter into this Settlement Agreement for the purpose of resolving the question of whether Licensee's CA license to practice as a cosmetologist will be subject to discipline.

Pursuant to the terms of § 536.060 RSMo, Licensee waives the right to a hearing by the Administrative Hearing Commission of the State of Missouri.

Licensee acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing before the Administrative Hearing Commission of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the Administrative Hearing Commission hearing against her; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against her; and the right to seek to recover attorney's fees incurred in defending this action against her license. Being aware of these rights provided her by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document, as they pertain to her.

Licensee acknowledges that she has received a copy of the investigative report and other documents relied upon by the Board in determining there was cause for discipline, along with citations to law and/or regulations the Board believes were violated. For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this Settlement Agreement are

true and stipulates with the Board that Licensee's CA license to practice as a cosmetologist, License No. 2008035377, is subject to disciplinary action by the Board in accordance with the provisions of Chapters 621 and 335, RSMo.

The parties stipulate and agree that the disciplinary order to be issued by the Board is based only on the agreement set out in the Joint Stipulation of Facts and Joint Conclusions of Law herein. Licensee understands that the Board may take further disciplinary action against her license based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

Joint Stipulation of Facts

1. The Board is an agency of the State of Missouri created and existing pursuant to § 329.180, RSMo, for the purpose of executing and enforcing the provisions of §§ 329.010 through 329.265, RSMo, relating to Cosmetologists, Hairdressers and Manicurists.
2. Respondent holds a cosmetology license issued by the Board, license number 2008035377.
3. Respondent's cosmetology license was issued November 25, 2008, by reciprocity.
4. Respondent's cosmetology license number 2008035377 was mistakenly issued in error because Respondent listed a fraudulent social security number on her application.

Joint Conclusions of Law

1. Cause exists for Petitioner to take disciplinary action against Licensee's license under §329.140.2 RSMo, which states in pertinent 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 his certificate of registration or authority, permit or license for anyone or any combination of the following causes:

- (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to 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;
- (11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;
- (13) Violation of any professional trust or confidence.

Joint Agreed Disciplinary Order

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of §621.045.3 RSMo.

1. Licensee's CA license to practice as a cosmetologist in the State of Missouri, license number 2008035377, is hereby surrendered in lieu of discipline.

2. The Board will maintain this Settlement Agreement as an open and public record of the Board as required by law. The Board will report this Settlement Agreement to data banks, other

appropriate entities and in its newsletter. This is a disciplinary action against licensee's license. The original of this document shall be kept in the Board's file and its contents shall be disclosed to the public upon proper request.

3. Licensee, together with her heirs and assigns and her attorney(s), do hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents or attorneys, including any former Board members, employees, agents and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement or from the negotiation or execution of its settlement. Licensee acknowledges that this paragraph is severable from the remaining portions of this Settlement Agreement in that it survives in perpetuity even in the event that any court of law deems this Settlement Agreement or any portion thereof void or unenforceable.

4. Licensee understands that she may, either at the time the Settlement 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 Licensee's license. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit her request to: Administrative Hearing Commission, Truman State Office Building, P.O. Box 1557, Jefferson City, Missouri 65102.

5. If Licensee requests review, this Settlement Agreement shall become effective on the date the Administrative Hearing Commission issues its order finding that the Settlement

Agreement sets forth cause for disciplining Licensee's license. If Licensee does not request review by the Administrative Hearing Commission, the Settlement Agreement goes in to effect 15 days after the document is signed by the Executive Director of the Board.

LICENSEE

Sunita Verma
Sunita Verma

Date: 08/12/11

**BOARD OF COSMETOLOGY AND
BARBER EXAMINERS**

Emily Carroll
Emily Carroll
Executive Director
Missouri State Board of Cosmetology and
Barber Examiners

Date: 8/31/2011