

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

In the Matter of the Application of)
)
Thomas Walker,)
)
Applicant.)

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

The Missouri State Board of Cosmetology and Barber Examiners (the "Board") hereby issues its ORDER granting a PROBATIONARY BARBER LICENSE, License No. 2011022615, to Thomas Walker (hereafter "Walker"), pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Walker may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Board's decision to issue a probated barber 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 Walker 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.

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 Cum. Supp. 2010, 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. Thomas Walker currently resides at 6345 Wellsmar Ave., St. Louis, MO 63133.

3. Walker is a male, born March 16, 1977. [REDACTED]

4. On or about September 30, 2005, Walker applied with the Board for his Barber student license. At the Board's December 4, 2005, meeting, the Board reviewed Walker's student barber application and requested to meet with Walker to discuss his criminal convictions prior to issuing a barber student license. The Board requested that Walker meet with the Board at the January 22, 2006 meeting.

5. Walker did not appear at the January 22, 2006 meeting. However, the Board received sufficient information to allow Walker to enroll in barber college.

6. On or about February 1, 2006, the Board approved Walker's application to enroll in Barber College at Missouri School of Barbering and Hairstyling. Walker was issued a student barber license, license number 2005035278.

7. On or about August 28, 2006, the Board received a notice of termination from Missouri School of Barbering and Hairstyling for Walker. Walker's student barber license,

license number 2005035278 was surrendered along with the notice of termination, license number, 2005035278.

8. On or about August 28, 2006, Walker applied with the Board for his student barber license. The Board issued Walker a student barber license, license number 2005035278.

9. On or about October 10, 2006, the Board received a notice of termination from Missouri School of Barbering and Hairstyling for Walker.

10. On or about October 10, 2006, Walker made application with the Board for Examination and Extended Student Permit, license number 2005035278, to take the written and practical barber examination.

11. On his examination form, Walker answered yes to the following question:

In the last ten (10) years have you been adjudicated and found guilty, or entered a plea of guilty or nolo contendere to a criminal prosecution under the laws of this State or any other State or of the United States, whether or not sentence was imposed?

12. On or about November 3, 2006, Walker 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 the City of St. Louis. Walker received a Suspended Imposition of Sentence and was placed on supervised probation for a period of three years.

13. On or about November 18, 2008, Walker pled guilty to the class C felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana in the Circuit Court of the City of St. Louis. The Court sentenced Walker to seven years in the Missouri Department of Corrections. Walker received a Suspended Execution of Sentence and was placed on supervised probation for a period of three years.

14. The Board sought to meet with Walker regarding the prior criminal convictions at its November 2006 Board meeting. Walker did not appear. On or about January 7, 2007, the Board informally met Walker to discuss his prior criminal convictions.

15. On or about March 5, 2007, the Board issued Walker an extension of his student registration.

16. On or about June 20, 2011, the Board issued notice to Walker informing him that he successfully passed the written and practical barber examination.

17. On or about June 24, 2011, the Board received Walker's applicable barber license fee in the amount of \$20.00.

II.

CONCLUSIONS OF LAW

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

19. The Board has cause to deny or refuse Walker's application for a barber license pursuant to § 328.150.2, 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:

(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[.]

20. As a result of Walker pleading guilty to two counts of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana as described in paragraphs 14 and 15 above, the Board has cause to deny or refuse Walker's application for a barber license pursuant to § 328.150.1, RSMo, and § 328.150.2(2), RSMo.

21. 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.

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

III.

ORDER

Based on the foregoing, Thomas Walker is granted a barber license, which is hereby placed on PROBATION for a period of one (1) year from the effective date of this Order, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Thomas Walker shall be entitled to hold himself out as a licensed barber subject to the following terms and conditions:

- A. During the disciplinary period, Walker 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, Walker shall keep the Board informed of his current work addresses and home telephone numbers. Walker shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Walker 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, Walker 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, Walker shall appear in person for interviews with the Board or its designee upon request.
- F. Walker 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, 2012.
- G. If, at any time during the probationary period, Walker changes his address from the state of Missouri, or ceases to maintain his cosmetology license current or active under the provisions of Chapter 328, 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.

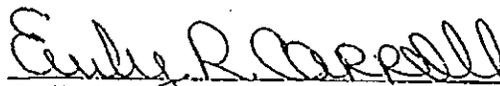
- H. The Board retains jurisdiction to hold a hearing at any time to determine if a violation of this Order has occurred and, if a violation of this Order has occurred, may seek to amend this Order or impose further disciplinary or appropriate action at the discretion of the Board. No order shall be 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 1335, Jefferson City, Missouri 65102.
- J. Any failure by Walker 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 328, 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 328, 610, and 324, RSMo (as amended).

SO ORDERED, EFFECTIVE THIS 18 DAY OF JULY, 2011.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director