

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

In the Matter of the Application of)
)
MELISSA ALAN,)
)
Applicant.)

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS ISSUING A PROBATIONARY
COSMETOLOGY STUDENT LICENSE TO MELISSA ALAN**

The Missouri State Board of Cosmetology and Barber Examiners (the “Board”) hereby issues its **ORDER** granting a **PROBATIONARY COSMETOLOGY STUDENT LICENSE**, License No. (2022007156), to Melissa Alan (“Alan” or “Applicant”), pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Alan 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 thirty (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, United States Post Office Building, 131 West High St, 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 Alan file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless and/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, 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 November 15, 2021, Alan submitted to the Board a post secondary student enrollment application to enroll at Grabber School of Hair Design, 9833 Watson Road, St. Louis, Missouri 63126.

3. On her application, Alan 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, Alan provided a statement about her criminal history and intent to practice cosmetology.

5. A review of Alan’s criminal history reveals that:

a. On or about October 1, 2009, Alan pleaded guilty in the Circuit Court of St. Charles County, Missouri, case number 0811-CR02683, to one count of the A misdemeanor offense of Operating a Motor Vehicle on a Highway While Drivers License/Privilege Revoked. The Court sentenced Alan to 10 days incarceration in St. Charles County Jail.

b. On or about February 1, 2012, Alan pleaded guilty in the Circuit Court of St. Charles County, Missouri, case number 1011-CR04954-01, to one count of the class B felony of Discharging a Firearm at or from a Motor Vehicle/Shooting at a

Person, Motor Vehicle, or Building/Habitable Structure. The Court sentenced Alan to 15 years incarceration, but suspended execution of sentence and sentenced Alan to 120 days shock incarceration and 5 years supervised probation. Alan's probation was revoked in case number 1122-CR01925.

- c. On or about April 14, 2013, Alan pleaded guilty in the Circuit Court of the City of St. Louis, case number 1122-CR01925, to two counts of the class A misdemeanor of 3rd Degree Assault, and one count of the class A misdemeanor of Resisting/Interfering With Arrest, Detention or Stop. The Court sentenced Alan to 1 year incarceration to run concurrent with the 120-day shock incarceration in case number 1011-CR04954-01.
- d. On or about July 22, 2013, Alan pleaded guilty in the Circuit Court of St. Charles County, case number 1211-CR05211, to one count of the class A misdemeanor of 3rd Degree Assault. The Court sentenced Alan to 30 days incarceration in the St. Charles County Jail.

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 the applicant's right to file a complaint with the administrative hearing commission as provided by [chapter 621](#).

7. The Board has cause to deny or refuse Alan's application for a cosmetology 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](#) 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, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section [324.012](#), regardless of whether or not sentence is imposed;

8. As a result of Alan's actions, as set forth above, the Board has cause to deny or refuse Alan's application for a cosmetology 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 Alan'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, Melissa Alan is granted a cosmetology **student license**, which is hereby placed on **PROBATION** for the period during which she is enrolled in cosmetology school and receiving training hours.

IV.

TERMS AND CONDITIONS

12. During the disciplinary period, Melissa Alan shall be entitled to enroll as a cosmetology student subject to the following terms and conditions:
- A. Alan 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. Alan shall keep the Board informed of Alan's current work and home telephone numbers. Alan shall notify the Board in writing within ten days (10) of any change in this information.
 - C. Alan shall accept and comply with unannounced visits from the Board's representatives to monitor compliance with the terms and conditions of this Order.
 - D. Alan shall appear in person for interviews with the Board or its designee upon request.
 - E. Alan shall submit written reports to the Board on or before January 1 and July 1 during each year of the disciplinary 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 July 1, 2022.
 - F. If, at any time during the disciplinary period, Alan 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, 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 disciplinary 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.

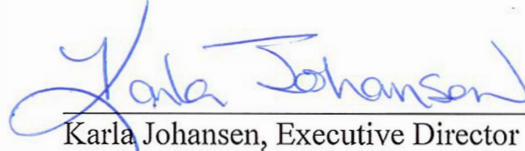
I. Any failure by Alan to comply with any condition of discipline set forth herein constitutes a violation of this Order.

13. This Order does not bind the Board or restrict the remedies available to it concerning any violation by Alan 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 28th DAY OF February 2022.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Karla Johansen, Executive Director