

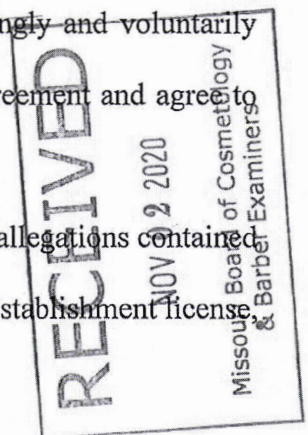
**SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD OF COSMETOLOGY AND
BARBER EXAMINERS AND JIMMIE WHITE AND TINA WHITE**

Come now Jimmie White and Tina White ("Licensees") and the Missouri Board of Cosmetology and Barber Examiners ("Board") and enter into this settlement agreement for the purpose of resolving the question of whether Licensees' cosmetology establishment license will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo, the parties waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline Licensees' license, and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo.

Licensees acknowledge that Licensees understand the various rights and privileges afforded Licensees by law, including the right to a hearing of the charges against Licensees; the right to appear and be represented by legal counsel; the right to have all charges against Licensees proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensees; the right to present evidence on Licensees' own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensees and, subsequently, the right to a disciplinary hearing before the Board at which time Licensees may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against Licensees' license. Being aware of these rights provided Licensees by operation of law, Licensees knowingly and voluntarily waive each and every one of these rights and freely enter into this settlement agreement and agree to abide by the terms of this document, as they pertain to Licensees.

For the purpose of settling this dispute, Licensees stipulate that the factual allegations contained in this settlement agreement are true and stipulate with the Board that Licensees' establishment license



number 2016003880, is subject to disciplinary action by the Board in accordance with the provisions of Chapters 621 and 329, RSMo.

Joint Stipulation of Facts and Conclusions of Law

1. The Board of Cosmetology and Barber Examiners is an agency of the State of Missouri created and established pursuant to § 329.015, RSMo, and § 328.015, RSMo, for the purpose of executing and enforcing the provisions of Chapters 328 and 329, RSMo.

2. Licensees hold a cosmetology establishment license, license number 2016003880, doing business as B Relevant Styles Salon located in Florissant, Missouri. Licensees' establishment license is current and active.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to Chapter 621, RSMo, and § 329.140, RSMo.

4. On or about September 18, 2019, the Board's inspector conducted an inspection of the establishment.

5. The Board's inspection revealed that Kiiandra Jones and Ariel Sims are unlicensed renters working in the establishment, in violation of 20 CSR 2085-10.060(1).

6. On or about September 25, 2019, the Board sent Licensees a violation notice regarding the September 18, 2019 inspection.

7. On or about November 19, 2019, the Board's inspector conducted an inspection of the establishment.

8. The Board's inspection revealed that the establishment was open for business even though the establishment license had expired on September 30, 2019, in violation of 20 CSR 2085-10.010 and Section 329.045, RSMo. Additionally, Licensees' expired establishment license was posted, and Kiiandra Jones and Ariel Sims are unlicensed renters working in the establishment, in violation of 20 CSR 2085-10.060(1).

9. On or about November 20, 2019, the Board sent Licensees a violation notice regarding the November 19, 2019 inspection.

10. On or about January 2, 2020, the Board's inspector conducted an inspection of the establishment.

11. The Board's inspection revealed that Kiiandra Jones and Ariel Sims are unlicensed renters working in the establishment, in violation of 20 CSR 2085-10.060(1).

12. On or about January 8, 2020, the Board sent Licensees a violation notice regarding the January 2, 2020 inspection.

13. On or about February 7, 2020, the Board's inspector conducted an inspection of the establishment.

14. The Board's inspection revealed that Kiiandra Jones is an unlicensed renter working in the establishment, in violation of 20 CSR 2085-10.060(1).

15. On or about February 19, 2020, the Board sent Licensee a violation notice regarding the February 7, 2020 inspection.

16. Section 329.045, RSMo, states, in relevant part:

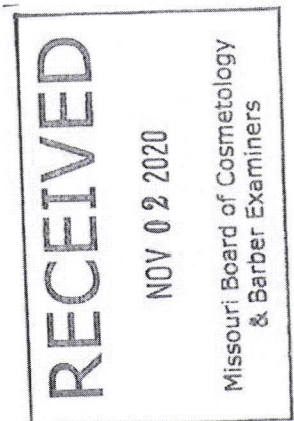
1. Every establishment in which the occupation of cosmetology is practiced shall be required to obtain a license from the board.

17. Regulation 20 CSR 2085-10.010(4) states:

(4) Renewals and Reinstatements.

(A) All existing, currently licensed establishments in Missouri shall submit on or before the renewal date, a completed establishment renewal application to the board with the biennial renewal fee. Renewal notices are sent out by the board as a courtesy. It is the responsibility of the holder(s) of the establishment license to renew the license by the expiration date. Failure to receive a renewal notice does not relieve the holder(s) of this responsibility.

(B) Reinstatement of License. The holder(s) of an establishment license which has not been renewed by the renewal



date shall be required to submit a late fee in addition to the biennial renewal fee in order to reinstate the license. The holder(s) of the establishment license who continues to operate although the license has not been renewed shall be subject to disciplinary action for operating an unlicensed establishment if the establishment license is not reinstated within fourteen (14) days following the mailing of a notice to the holder(s) or sixty (60) days from the renewal deadline, whichever is later, for operating an establishment without a license.

18. Regulation 20 CSR 2085-10.060 states, in relevant part:

(1) Pursuant to Chapters 328 and 329, RSMo, no barber or cosmetology establishment owner, manager, or proprietor shall permit any person who does not hold a current Missouri barber or cosmetology license to practice as a barber or cosmetologist in the establishment. No license or permit issued by the board shall be posted in a licensed establishment unless the license or permit is current and active, and the licensee or permit holder is an employee of the establishment or holds a current and active renter establishment license issued by the board.

19. Licensees' conduct, as set forth above, constitutes misconduct, misrepresentation, and/or dishonesty in the performance of the functions or duties of a cosmetology establishment for which the Board has cause to take disciplinary action against Licensees' establishment license pursuant to § 329.140.2(5), RSMo.

20. Licensees' conduct, as set forth above, constitutes a violation of and/or assisting and enabling a violation of Chapter 329, RSMo, and lawful regulations adopted pursuant to Chapter 329, RSMo, for which the Board has cause to take disciplinary action against Licensees' establishment license pursuant to § 329.140.2(6), RSMo.

21. Licensees' conduct, as set forth above, constitutes assisting or enabling any person to practice or offer to practice any profession licensed or regulated by Chapter 329, RSMo, who is not licensed and currently eligible to practice, for which the Board has cause to take disciplinary action against Licensees' establishment license pursuant to § 329.140.2(10), RSMo.

22. Licensees' conduct, as set forth above, constitutes the failure to display a valid license required by Chapter 329, RSMo, for which the Board has cause to take disciplinary action against Licensees' establishment license pursuant to § 329.140.2(12), RSMo.

23. Licensees' conduct, as set forth above, constitutes a violation of a professional trust and/or confidence for which the Board has cause to take disciplinary action against Licensees' establishment license pursuant to § 329.140.2(13), RSMo.

24. Cause exists for the Board to take disciplinary action against Licensees' establishment license under § 329.140.2(5), (6), (10), (12), and (13), RSMo, which states in pertinent part:

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:

...

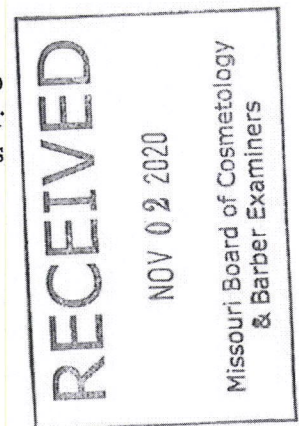
(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(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;

...

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice under this chapter;

...



(12) Failure to display a valid license if so required by this chapter or any rule promulgated hereunder;

(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 Chapters 621 and 329, RSMo:

1. Licensees' establishment license, number 2016003880, is hereby **PUBLICLY CENSURED.**
2. The parties to this agreement understand that the Missouri Board of Cosmetology and Barber and Examiners will maintain this agreement as an open record of the Board as provided in Chapters 329, 610, and 324, RSMo.
3. The terms of this settlement agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this settlement agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.
4. Licensees, together with Licensees' heirs and assigns, and Licensees' attorneys, 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 this settlement agreement. The parties acknowledge 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 to be void or unenforceable.

5. Licensees understand that Licensees 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 Licensees' license. If Licensees desire the Administrative Hearing Commission to review this Agreement, Licensees may submit Licensees' request to: Administrative Hearing Commission, United States Post Office Building, P.O. Box 1557, Jefferson City, Missouri 65102.

6. If Licensees request 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 Licensees' license. If Licensees do not request review by the Administrative Hearing Commission, the Settlement Agreement goes into effect 15 days after the document is signed by the Executive Director of the Board.

LICENSEES

BOARD

Deceased 8/25/2020
Jimmie White

Date _____

Tina White
Tina White

Date 10/28/2020

Brittany Tomblinson
Brittany Tomblinson, Executive Director
Missouri Board of Cosmetology and Barber
Examiners

Date 11/04/2020

