

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

In the Matter of the Application of)
)
AMANDA DAWN BELCHER,)
)
Applicant.)

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS ISSUING A PROBATIONARY
COSMETOLOGY STUDENT LICENSE TO AMANDA DAWN BELCHER**

The Missouri State Board of Cosmetology and Barber Examiners (the "Board") hereby issues its **ORDER** granting a **PROBATIONARY COSMETOLOGY STUDENT LICENSE**, License No. 2016044107 to Amanda Dawn Belcher ("Belcher" or "Applicant"), pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Belcher may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Board's decision to issue a probated student 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 Belcher 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,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 December 5, 2016, Belcher applied for a cosmetology student license to enroll at Paul Mitchell the School Springfield, 3017 S. Kansas Expressway, Springfield, Missouri.

3. On her application, Belcher 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, Belcher provided a statement regarding her criminal background. She stated that she “went through a bad stage in life but it is over now. I am a changed person. A better person and I will never make these bad choices again.” She stated that in March 2008 she was charged with forgery because she was pulled over and did not have a driver’s license so she gave them her sister’s license and signed her sister’s name. She stated March 2008 she was also charged with driving while intoxicated and endangerment. She stated she was drinking and had her son with her. She stated she had to leave where she was and should have called for someone to pick her up but did not. She stated in April 2008 she was charged with felony property damage when her friends got into a fight and ripped a car radio out of the car. She stated she was there and did not call the police and her attorney encouraged her

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

to take a plea deal. She stated in August of 2009 she was charged with over the allowed amount of pseudoephedrine in a 24-hour period and in December of 2009 she was charged with possession of a controlled substance, possession of anhydrous ammonia and unlawful use of drug paraphernalia. She stated she "had been letting someone stay at my house and they ended up holding me in my house and wouldn't let me leave." She stated she called the police and admitted to having drugs on her but was charged with "other things as well." She stated she received 7 and 4 year sentences for those charges. Belcher also stated that in May 2011 she was pulled over several times for driving while revoked and "they ended up enhancing them to a felony and gave me a 4 year sentence." She stated in September 2011 she was charged with two misdemeanors for possession of marijuana and unlawful use of drug paraphernalia. She stated she was "again driving and was pulled over and charged with possession of a controlled substance." She stated that was the last day she ever used drugs. However, she stated she did get an assault charge in jail in October 2012. She stated she was "not herself during that time." She stated she grew up in an unstable family and her father passed away from drug use. She stated she has been married to "a wonderful supporting husband" and has been clean for "several years." She stated she has been a stay-at-home parent for their six children but wants to have a career in cosmetology for herself and her family.

5. A review of Belcher's criminal history reveals:
 - a. On or about May 20, 2008, Belcher pled guilty to the class A misdemeanor of Operating a Vehicle on Highway Without Valid License, the class B misdemeanor of Failure to Register Motor Vehicle and the class C misdemeanors of Failure to Maintain Financial Responsibility for a motor vehicle and Car Under 18,000 Lbs Followed Another Vehicle Too Closely, all in the Circuit Court of

Benton County, Missouri, case number 08BE-CR00185. The Court sentenced Belcher to 10 days in jail for the class A misdemeanor, a \$50 fine for the class B misdemeanor and fines in the amount of \$100 and \$50 respectively for the two class C misdemeanors.

- b. On or about May 20, 2008, Belcher pled guilty to the class A misdemeanor of Operating Motor Vehicle on Highway While Driver License Revoked (Suspended for Prob Cause of .08% Bac and Zero Tolerance) in the Circuit Court of Benton County, Missouri, case number 08BE-CR00320. The Court sentenced Belcher to ten days' in jail.
- c. On or about May 20, 2008, Belcher pled guilty to the class B misdemeanor of Driving While Intoxicated, the class A misdemeanor of Endangering the Welfare of a Child, 2nd Degree, the class A misdemeanor of Possession of Up to 35 grams Marijuana and the class A misdemeanor of Operated Vehicle on Hwy Without Valid License – 1st or 2nd Offense, in the Circuit Court of Benton County, Missouri, case number 08BE-00233. The Court suspended the execution of sentence for the DWI and Endangering charges and ordered Belcher to serve 30 days in jail followed by two years' unsupervised probation. The Court sentenced Belcher to \$200 fines for each of the charges of Operating without a License and Possession.
- d. On or about May 20, 2008, Belcher pled guilty to the class C felony of Forgery in the Circuit Court of Benton County, Missouri, case number 08BE-CR00149-01. The Court suspended the imposition of sentence and placed Belcher on three

years' probation. The Court revoked her probation on July 8, 2008 and imposed a sentence of two years' incarceration in Missouri Department of Corrections.

- e. On or about December 2, 2009, Belcher pled guilty to the class A misdemeanor of Operated Vehicle on Hwy Without Valid License – 1st or 2nd Offense in the Circuit Court of St. Clair County, Missouri, case number 09SR-CR00148. The Court sentenced Belcher to a fine of \$80.50.
- f. On or about December 1, 2010, Belcher pled guilty to the class C misdemeanor of Failure to Maintain Financial Responsibility for a vehicle, the class B misdemeanor of Failure to Register Motor Vehicle and the class A misdemeanor of Operated Motor Vehicle on Highway While Drivers' License Revoked (Suspended for Points) in the Circuit Court of Cedar County, Missouri, case number 10CD-CR00400. The Court sentenced Belcher to five days in jail (concurrent with DOC sentence) for the Failure to Maintain Financial Responsibility and Failure to Register charges and 30 days in jail for the Operating While Revoked charge (concurrent with DOC sentence).
- g. On or about December 1, 2010, Belcher pled guilty to the class C misdemeanor of Failure to Maintain Financial Responsibility for a vehicle, the class B misdemeanor of Failure to Register Motor Vehicle and the class A misdemeanor of Operated Motor Vehicle on Highway While Drivers' License Revoked in the Circuit Court of Cedar County, Missouri, case number 10CD-CR00333. The Court sentenced Belcher to 30 days in jail (concurrent with DOC sentence) for the class A misdemeanor and 5 days in jail each for the class B and C misdemeanors (concurrent with DOC sentence).

- h. On or about August 23, 2010, Belcher pled guilty to the class C felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana and the class D felony of Possession of Anhydrous Ammonia in a Nonapproved Container and the class D felony of Unlawful Use of Drug Paraphernalia – Amphetamine/Methamphetamine in the Circuit Court of Cedar County, Missouri, case number 09CD-CR00346-01. The Court suspended the execution of sentence and placed Belcher on five years' probation. The Court then revoked Belcher's probation and sentenced her to seven years' incarceration. For the Possession of Anhydrous Ammonia and Unlawful Use charges, the Court suspended the imposition of sentence and placed Belcher on five years' probation. The Court also revoked those sentences of probation and sentenced Belcher to four years' incarceration.
- i. On or about October 4, 2010, Belcher pled guilty to the class C felony of Theft/Stealing (Value of Property or Services between \$500 and \$25,000) in the Circuit Court of Benton County, Missouri, case number 08BE-CR00245-02. The Court suspended the execution of sentence and placed Belcher on probation. The Court revoked the probation and sentenced Belcher to five years' incarceration and a long term drug treatment program.
- j. On or about October 4, 2010, Belcher pled guilty to the class D felony of Property Damage 1st Degree in the Circuit Court of Benton County, Missouri, case number 08BE-CR00466-02. The Court sentenced Belcher to four years' incarceration and suspended the execution of sentence, ordering community service. The Court

revoked Belcher's probation and ordered four years' incarceration and a long term drug treatment program.

- k. On or about January 18, 2011, Belcher pled guilty to the class A misdemeanor of Within 24 Hours Know/Rckls Purchase/Receive/Acquire > 3 6/10 Gms Drug Product Containing Ephedrine/Pseudoephedren/etc in the Circuit Court of Henry County, Missouri, case number 09HE-CR00808. The Court sentenced Belcher to four days in jail.
- l. On or about August 20, 2012, Belcher pled guilty to the class D felony of Operating a Motor Vehicle on Highway While Driver License Revoked (Revoked for Assisting W/License Application Fraud) and the class B misdemeanor of Failure to Register Motor Vehicle in the Circuit Court of Cedar County, Missouri, case number 11CD-CR00180-01. The Court suspended the imposition of sentence ordering incarceration concurrent with other charges.
- m. On or about August 20, 2012, Belcher pled guilty to the class C felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana in the Circuit Court of Cedar County, Missouri, case number 11CD-CR00386-01. The Court sentenced Belcher to seven years' incarceration in Missouri Department of Corrections.
- n. On or about November 27, 2012, Belcher pled guilty to the class C felony of Assault – 2nd Degree in the Circuit Court of Vernon County, Missouri, case number 12VE-CR00803-01. The Court sentenced Belcher to two years' incarceration concurrent with cases in Cedar and Polk counties.

- o. On or about December 5, 2012, Belcher pled guilty to the class A misdemeanors of Possession of up to 35 Grams Marijuana and Unlawful Use of Drug Paraphernalia in the Circuit Court of Cass County, Missouri, case number 11CA-CR00583-01. The Court sentenced Belcher to 120 days in jail concurrent with cases 11CD-CR00386-01 and 11CD-CR00180-01.

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 Belcher'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 Belcher's actions as set forth in paragraphs 2 through 5 above, the Board has cause to deny or refuse Belcher'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 Belcher'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, Amanda Dawn Belcher 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, not to exceed five (5) years from the effective date of this Order. During the aforementioned probation, Amanda Dawn Belcher 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, Amanda Dawn Belcher, shall be entitled to enroll as a cosmetology student subject to the following terms and conditions:

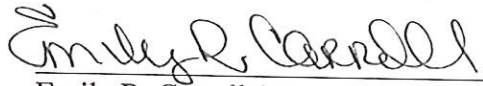
- A. During the disciplinary period, Applicant shall comply with all provisions of Chapter 329, RSMo, all applicable board regulations, all applicable federal and state drug laws, rules and regulations and all applicable federal and state criminal laws. "State" includes the state of Missouri, all other 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 July 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 21st DAY OF DECEMBER, 2016.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director