

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

In the Matter of the Application of)
)
ANDREW JAMES BOOTH,)
)
Applicant.)

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS ISSUING A PROBATIONARY
BARBER PRACTITIONER LICENSE TO
ANDREW JAMES BOOTH**

The Missouri State Board of Cosmetology and Barber Examiners (the “Board”) hereby issues its **ORDER** granting a **PROBATIONARY BARBER PRACTITIONER LICENSE**, License No. 2012016135, to Andrew James Booth (hereafter, “Applicant”), pursuant to the provisions of § 324.038, RSMo.¹ As set forth in § 324.038.2, RSMo, Applicant may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Board’s decision to issue a probated operator 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, United States Post Office Building, 131 W. High Street, P.O. Box 1557, Jefferson City, Missouri 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 Applicant file a written request for review

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

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, 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 April 27, 2022, Applicant applied for the reinstatement of his barber practitioner license, number 2012016135. On his application Applicant answered “yes” to the question regarding criminal history.

3. A review of Applicant’s criminal history reveals that:

a. on or about April 4, 2022, Applicant entered a guilty plea to the class E felony charge of *Sexual Misconduct Involving A Child Under 15 – 1st Ofns*, in the Circuit Court of Cape Girardeau County, Missouri, case number 19CG-CR00427-01. The Court sentenced Applicant to 11 months jail incarceration.

4. Applicant provided a written statement explaining and acknowledging his criminal history.

II.

CONCLUSIONS OF LAW

5. The Board has authority to reinstate Applicant's expired license pursuant to 20 CSR 2085-5.050.

(1) The holder of an expired license to practice barbering may submit an application to the board to reinstate that license within two (2) years of the date the license expired. The application shall be on a form supplied by the board and shall be accompanied by the license renewal fee plus the reinstatement fee.

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

7. The Board has cause to deny or refuse Applicant's application for the reinstatement of his barber practitioner license pursuant to § 328.150.2, 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 Applicant's conduct as stated in paragraph 3 above, the Board has cause to deny or refuse Applicant's application for the reinstatement of his barber practitioner license pursuant to §§ 328.150.1 and 328.150.2(2), RSMo.

9. As an alternative to refusing to reinstate a license, the Board may, at its discretion, reinstate 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.

10. The Board issues this Order in lieu of denial of Applicant's application for the reinstatement of his barber practitioner license. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

11. Based on the foregoing, Andrew James Booth is granted the reinstatement of his barber practitioner license, number 2012016135, which is hereby placed on **PROBATION** for a period three (3) years, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

12. During the aforementioned probation, Applicant shall be entitled to a barber practitioner license subject to the following terms and conditions:

- A. During the disciplinary period, Applicant shall comply with all provisions of Chapters 328 and 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 his 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 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, Applicant 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, Applicant shall appear in person for interviews with the Board or its designee upon request.
- F. If, at any time during the probationary period, Applicant changes his address from the state of Missouri, or ceases to maintain his barber establishment license current or active under the provisions of Chapters 328 and 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, Chapters 324, 328 and 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 328, 329, 610 and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 1st DAY OF November, 2022.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Karla Johansen, Executive Director