



## 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 October 19, 2019, Applicant applied for a Missouri cosmetology student license to enroll at Vandalia Institute of Cosmetology, 1101 East Hwy. 54, Vandalia, Missouri 63382.

3. On Applicant's application, Applicant answered "yes" to the question "Have you been adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution in this state, or any or of the United States, whether or not sentence was imposed?"

4. Together with Applicant's application, the Applicant provided a written explanation regarding Applicant's criminal record.

5. A review of Applicant's criminal history reveals that:

a. On or about July 14, 2011, Applicant plead guilty to the class A misdemeanor charge of *Unlawful Use Of Drug Paraphernalia*, in the Circuit Court of Vernon County, Missouri, case number 11VE-CR00304. The Court sentenced Applicant to a fine.

b. On or about July 10, 2012, Applicant plead guilty to the class A misdemeanor charge of *Resisting/Interfering With Arrest, Detention Or Stop*, in the Circuit Court of Vernon County, Missouri, case number 11VE-CR00839-01. The Court sentenced Applicant to a fine.

c. On or about July 19, 2012, Applicant plead guilty to the class A misdemeanor charge of *Theft/Stealing (Value Of Property Or Services Is Less Than \$500)*, in the Circuit Court of Vernon County, Missouri, case number 12VE-CR00469. The Court sentenced Applicant to

forty-days' jail incarceration. The Court suspended execution of Applicant's sentence and place Applicant on two years' probation.

d. On or about November 29, 2012, Applicant plead guilty to the class A misdemeanor charge of *Tampering With Motor Vehicle – 2<sup>nd</sup> Degree*, in the Circuit Court of Vernon County, Missouri, case number 12VE-CR00947. The Court sentenced Applicant to fifteen days' jail incarceration.

e. On or about February 11, 2016, Applicant plead guilty to the class A misdemeanor charge of *Unlawful Use Of Drug Paraphernalia*, in the Circuit Court of Vernon County, Missouri, case number 15VE-CR00792. The Court sentenced Applicant to sixty days' jail incarceration.

f. On or about February 11, 2016, Applicant plead guilty to the class A misdemeanor charge of *Assault 3<sup>rd</sup> Degree – Pursuant To Subdivision (1), (2), (4), (6)*, in the Circuit Court of Vernon County, Missouri, case number 15VE-CR00418. The Court sentenced Applicant to thirty days' jail incarceration.

g. On or about February 16, 2016, Applicant plead guilty to the class D felony charge of *Fraudulent Use Of Credit/Debit Device (Value of \$500 or More)*, in the Circuit Court of Vernon County, Missouri, case number 15VE-CR00094-01. The Court sentenced Applicant to four years' incarceration with the Missouri Department of Corrections. The Court suspended execution of Applicant's sentence and placed Applicant on probation for five years. Applicant's probation was subsequently revoked and the previously imposed sentence of four years' incarceration with the Missouri Department of Corrections was ordered executed.

h. On or about February 16, 2016, Applicant plead guilty to the class D felony charge of *Resisting/Interfering With Arrest For A Felony*, in the Circuit Court of Vernon County,

Missouri, case number 15VE-CR00575-01. The Court sentenced Applicant to four years' incarceration with the Missouri Department of Corrections. The Court suspended execution of Applicant's sentence and placed Applicant on probation for five years. Applicant's probation was subsequently revoked and the previously imposed sentence of four years' incarceration with the Missouri Department of Corrections was ordered executed.

i. On or about February 16, 2016, Applicant plead guilty to the class C felony charge of *Stealing A Motor Vehicle*, in the Circuit Court of Vernon County, Missouri, case number 15VE-CR00651-01. The Court sentenced Applicant to four years' incarceration with the Missouri Department of Corrections. The Court suspended execution of Applicant's sentence and placed Applicant on probation for five years. Applicant's probation was subsequently revoked and the previously imposed sentence of four years' incarceration with the Missouri Department of Corrections was ordered executed.

j. On or about February 16, 2016, Applicant plead guilty to two class B felony charges of *Asslt/Attempt Asslt – L/E, C/O, E/P, Hwy Wkr, Utility Wrkr Or P&P – Deadly Wpn Or Dngrs Instrmnt/Phy Inj – 2d Dgr*, the class D charge of *Resisting/Interfering With Arrest For A Felony* and the class C felony charge of *Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana*, in the Circuit Court of Vernon County, Missouri, case number 16VE-CR00049-01. The Court sentenced Applicant to ten years' incarceration with the Missouri Department of Corrections on the two class B felony charges, four years on the class D felony and seven years on the class C felony charge. The Court suspended execution of Applicant's sentence and placed Applicant on supervised probation for five years. Applicant's probation was subsequently revoked and the previously imposed sentences of incarceration with the Missouri Department of Corrections was ordered executed.

k. On or about September 18, 2017, Applicant plead guilty to the class D felony charge of *Tampering With Motor Vehicle -1<sup>st</sup> Degree*, the class E charge of *Resisting Arrest/Detention/Stop By Fleeing – Creating A Substantial Risk Of Serious Injury/Death To Any Person*, and the class E felony charge of *Property Damage 1<sup>st</sup> Degree*, in the Circuit Court of Cedar County, Missouri, case number 17CD-CR00015-01. The Court sentenced Applicant to seven years' incarceration with the Missouri Department of Corrections on the class D felony charge and four years on each of the class E felony charges. The Court suspended execution of Applicant's sentence and placed Applicant on supervised probation for five years on each charge. Applicant's probation was subsequently revoked and the previously imposed sentences of incarceration with the Missouri Department of Corrections was ordered executed.

l. On or about May 10, 2018, Applicant plead guilty to the class B misdemeanor charge of *Trespass – 1<sup>st</sup> Degree*, in the Circuit Court of Vernon County, Missouri, case number 18VE-CR00175-01. The Court sentenced Applicant to sixty days' jail incarceration.

## 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 Applicant'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 Applicant's criminal record as detailed in paragraph 5, the Board has cause to deny or refuse Applicant'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 Applicant'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, Applicant, Cody Boyd, is granted a cosmetology **student license**, which is hereby placed on **PROBATION** for the period during which Applicant 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, Cody Boyd 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, Cody Boyd, 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. If, at any time during the probationary period, Applicant changes Applicant's address from the state of Missouri, or ceases to maintain Applicant's 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.
- F. 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.

G. 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.

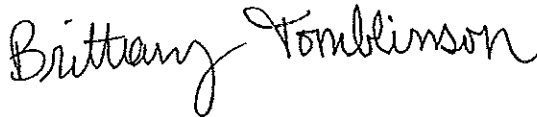
H. Any failure by Applicant to comply with any condition of discipline set forth herein constitutes a violation of this Order.

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 31 DAY OF December 2019.**

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS



---

Brittany Tomblinson, Executive Director