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SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD OF COSMETOLOGY AND BARBER EXAMINERS AND KENDRA EVANS AND K'STYLEZ SALON LLC

Come now Keandra Evans and K'Stylez Salon LLC (collectively "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 Licensee's cosmetology operator and crossover establishment licenses will be subject to discipline.

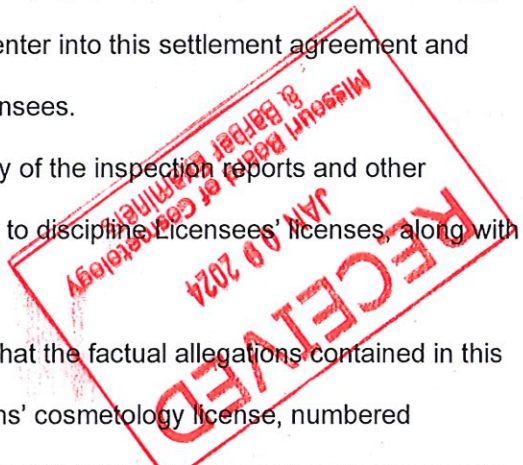
Pursuant to the terms of § 536.060, RSMo,<sup>1</sup> the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensees licenses, and, additionally, the right to a disciplinary hearing before the Board 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' 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' licenses. 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.

Licensees acknowledge that Licensees have received a copy of the inspection reports and other documents relied upon by the Board in determining there was cause to discipline Licensees' licenses, along with citations to law and/or regulations the Board believes were violated.

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 Evans' cosmetology license, numbered 2016033049, and K'Stylez's crossover establishment license numbered 2016017878, are subject to disciplinary action by the Board in accordance with the provisions of Chapters 621 and 329, RSMo.

<sup>1</sup> All statutory references are to Missouri Revised Statutes, as amended, unless otherwise indicated.



Joint Stipulation of Fact and Conclusions of Law



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

2. Licensee Keandra Evans holds a cosmetology operator license, license number 2016033049. The Board issued the operator license September 12, 2016. Licensee's operator license is now and was current and valid at all times herein.

3. The Board issued K'Stylez a beauty/barber shop license, license number 2016017878 on June 2, 2016. Licensee Keandra Evans is the owner of K'Stylez. K'Stylez establishment license expired September 30, 2023.

4. On or about May 18, 2023, an inspection revealed an individual was performing services at K'Stylez without a current and active operator license in violation of 20 CSR 2085-10.060(3). On or about June 6, 2023, the Board sent Licensees a violation notice regarding the May 18, 2023 inspection.

5. On or about July 20, 2023, an inspection revealed an individual was performing services at K'Stylez without a current and active operator license in violation of 20 CSR 2085-10.060(3). On or about July 28, 2023, the Board sent Licensees a violation notice regarding the June 20, 2023 inspection.

6. On or about October 10, 2023, an inspection revealed that an individual was performing services at K'Stylez without a current and active operator license in violation of 20 CSR 2085-10.060(3) and K'Stylez crossover establishment license was expired in violation of Section 329.045, RSMo, and 20 CSR 2085-10.010.

7. Regulation 20 CSR 2085-10.010 states, in relevant part:

Display of License. Establishment licenses shall be posted within the establishment in plain view at all times so that it may be easily seen by the public. Establishment licenses issued to a station or booth rental establishment shall be posted in plain view at the respective work station.

(A) Operator licenses, apprentice licenses, or student temporary permits shall either be posted at each respective assigned work station or all posted together in one (1) conspicuous, readily accessible, central location within the establishment area that will allow easy identification of the persons working in the establishment by clients, board representatives, or the general public.

(4) Renewals and Reinstatements.

...

(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.

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

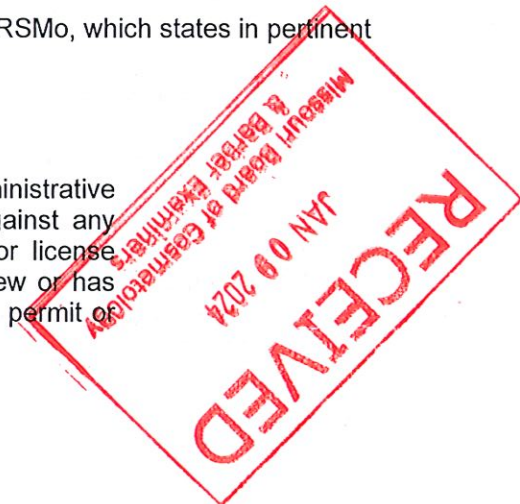
(1) Pursuant to Chapters 328 and 329, RSMo, no barber or cosmetology establishment owner, manager, or proprietor shall permit any person who does not hold a current Missouri barber or cosmetology license to practice as a barber or cosmetologist in the establishment. No license or permit issued by the 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.

(3) Prohibited Practices Within An Establishment. In a licensed establishment, only persons properly licensed by the board shall be allowed to perform barbering, hairdressing, manicuring, or esthetician services on any person within the establishment. The provisions of this section shall apply even if services are being provided for no compensation[.]

9. As a result of the violations, as described above in paragraphs 2 through 6, Licensee violated Chapter 328, RSMo, and lawful regulations adopted pursuant to Chapter 328, RSMo, as described above in paragraphs 7 through 8 for which the Board has cause to take disciplinary action against the Licensees' cosmetology operator and crossover establishment licenses.

10. Cause exists for the Board to take disciplinary action against the Licensees' cosmetology operator and crossover establishment licenses under § 328.150.2(6), and (12), 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:



...

(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;

...

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

#### 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 § 621.045, RSMo:

11. The terms of discipline shall include that Evans' cosmetology license, numbered 2016033049, and K'Stylez's crossover establishment license numbered 2016017878, be placed on **PROBATION** for a period of three (3) years. During Licensees' probation, Licensees shall be entitled to offer and engage in the practice of cosmetology and the operation of a beauty/barber establishment under Chapters 328 and 329, RSMo, provided Licensees adhere to all of the terms of this Settlement Agreement.

#### I. SPECIFIC REQUIREMENTS

- A. Licensee shall reinstate Licensee's crossover establishment license for K'Stylez, license number 2016017878. Licensee shall not provide any services or allow any other individuals to provide services until Licensee reinstates K'Stylez's crossover establishment license. Licensee shall reinstate K'Stylez crossover establishment license within thirty (30) days of the effective date of this settlement agreement.
- B. Licensee shall cease and desist from allowing any unlicensed individuals to provide services at K'Stylez. Licensee shall provide the Board written notification of Licensee's compliance with the cease and desist order within thirty (30) days of the effective date of this Order. Alternatively, Licensee shall notify the Board in writing within thirty (30) days of the effective date of this Order that all operators providing services at K'Stylez hold current and active operator licenses.

#### II. GENERAL REQUIREMENTS

- A. Licensees shall meet with the Board or its representatives at such times and places as required by the Board after notification of a required meeting.
- B. Licensees, shall keep the Board apprised of his current home and work addresses and telephone numbers. Licensees, shall inform the Board within ten days of any change of home or work address and home or work telephone number.
- C. Licensees, shall comply with all provisions of the Chapters 328, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.

- D. During the disciplinary period, Licensees, shall timely renew the subject licenses and timely pay all fees required for licensing and comply with all other board requirements necessary to maintain the subject licenses in a current and active state.
- E. If at any time during the disciplinary period, Conley removes himself from the state of Missouri, ceases to be currently licensed under provisions of Chapters 328, RSMo, or fails to advise the Board of his and IR's current place of business and/or residence, the time of Conley's absence, unlicensed status of the subject licenses, or Conley's unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed in accordance with § 328.150, RSMo, on Conley or IR.
- F. During the disciplinary period, Licensees, shall accept and comply with unannounced visits to IR by the Board's representatives to monitor compliance with the terms and conditions of this Settlement Agreement.
- G. If Licensees, fail to comply with the terms of this Settlement Agreement, in any respect, the Board may impose such additional or other discipline that it deems appropriate, (including imposition of the revocation).
- H. This Settlement Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 328, RSMo, by Licensees not specifically mentioned in this document.

12. The parties to this Agreement understand that the Missouri Board of Cosmetology and Barber Examiners will maintain this Agreement as an open record of the Board as provided in Chapters 328, 329, 610 and 324, RSMo.

13. 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.

14. 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.

15. If no contested case has been filed against Licensees, Licensees have the right, either at the time the Settlement Agreement is signed by all parties or within fifteen days thereafter, to submit the Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the Settlement Agreement constitute grounds for denying or disciplining the licenses of the Licensees. If Licensees desire the Administrative Hearing Commission to review this Agreement, Licensees may submit this request to: **Administrative Hearing Commission, United States Post Office Building, 131 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65102-1557.**

16. If Licensees have requested review, Licensees and Board jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensees' licenses and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensees' licenses. Effective the date the Administrative Hearing Commission determines that the Agreement sets forth cause for disciplining Licensees' licenses, the agreed upon discipline set forth herein shall go into effect.

LICENSEE

  
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Keandra Evans

  
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K'Stylez Salon LLC  
Keandra Evans, Owner

Date 1/5/24

BOARD

  
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Karla Johansen,  
Executive Director  
Missouri Board of Cosmetology and  
Barber Examiners

Date 1/29/2024