



I.

**FINDINGS OF FACT**

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo,<sup>1</sup> 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 11, 2018, Gray applied for a cosmetology student license to enroll at Salem College of Hairstyling, 1051 Kingshighway, Suite #1, Rolla, Missouri.

3. On her application, Gray 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, Gray provided a statement regarding her criminal background. She stated that she had some charges on her record but since she was incarcerated she turned her life around.

5. A review of Gray’s criminal history reveals that:

- a. On or about September 20, 2004, Gray (formerly known as Ashley May Monell) pled guilty to the Infraction of Drive/Front Seat Passenger Fail To Wear Properly Adjusted/Fastened Safety Belt in the Circuit Court of Pulaski County Missouri, case number 25T05042350T. On or about September 20, 2004, the Court sentenced Gray to a fine.
- b. On or about September 5, 2006, Gray pled guilty to the class C misdemeanor of Exceeded Posted Speed Limit (Exceeded By 11-15 Mph) in the Circuit Court of

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

Jefferson County, Missouri, case number 060220910. On or about September 5, 2006, the Court sentenced Gray to a fine.

- c. On or about June 25, 2007, Gray pled guilty to the class D felony of Unlawful Use of A Weapon in the Circuit Court of Pulaski County, Missouri, case number 25R05060698F-01. On or about June 25, 2007, the Court suspended the imposition of sentence and on January 4, 2008, placed Gray on supervised probation. Between September 4, 2008 and December 13, 2011, Gray had multiple probation violation matters filed and on or about December 13, 2011, the Court revoked her probation and sentenced Gray to four years' incarceration and institutional drug treatment.
- d. On o about September 29, 2010, Gray pled guilty to the class B misdemeanor of Operating A Motor Vehicle In A Careless and Imprudent Manner in the Circuit Court of Pulaski County, Missouri, case number 10PU-CR00202. On or about September 29,2010, the Court sentenced Gray to a fine.
- e. On or about December 9, 2013, Gray pled guilty to the class A misdemeanor of Fail To Drive On Right Half Of Rdwy When Rdwy Was Of Sufficient Width, Resulting In An Accident in the Circuit Court of Pulaski County, Missouri, case number 701025156. On or about December 9, 2013, the Court sentenced Gray to a fine.
- f. On or about December 9, 2013, Gray pled guilty to the Unclassified misdemeanor of Owner Operating Motor Vehicle Without Maintaining Financial Responsibility Or Operator Who Authorized Another to Operate a Motor Vehicle Without Financial Responsibility in the Circuit Court of Pulaski County, Missouri, case

number 701025159. On or about December 9, 2013, the Court sentenced Gray to a fine.

- g. On or about May 16, 2014, Gray pled guilty to the class A misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Pulaski County, Missouri, case number 14PU-CR00521. On or about May 16, 2014, the Court sentenced Gray to a fine.
- h. On or about January 4, 2017, Gray pled guilty to two counts of the class C felony of Endangering the Welfare of Child – 1<sup>st</sup> Degree, in the Circuit Court of Camden County, Missouri, case number 14CM-CR01124-02. The Court sentenced Gray to six years' incarceration pursuant to section 559.115, RSMo. On or about January 4, 2017, Gray began 120 days of shock incarceration. On or about May 12, 2017, the Court sentenced Gray to five years' supervised probation following shock incarceration.
- i. On or about March 22, 2017, Gray pled guilty to the class C felony of Assault – 2<sup>nd</sup> Degree in the circuit Court of Pulaski County, Missouri, case number 16PU-CR01190-01. The Court sentenced Gray to three years' incarceration in Missouri Department of Corrections.

## 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 Gray'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 Gray's actions as set forth in paragraphs 2 through 5 above, the Board has cause to deny or refuse Gray'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 licensé, 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 Gray'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, Ashley May Gray 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, Ashley May Gray 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, Ashley May Gray, 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 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.
- 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 18<sup>th</sup> DAY OF DECEMBER, 2018.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS

*Brittany Tomblinson*

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Brittany Tomblinson, Executive Director



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