



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 May 14, 2019, Hayes applied for a cosmetology student license to enroll at Transformed Barber & Cosmetology Academy LLC, 1229 E. 63rd St., Kansas City, Missouri.

3. On his application, Hayes 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 his application, Hayes provided a list of all his charges and convictions.

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

a. On or about February 17, 1998, Hayes pled guilty to the class B misdemeanor of Operating a Motor Vehicle On Highway While Drive License Suspended in the Circuit Court of Randolph County, Missouri, case number 14RO59800079. The Court fined Hayes \$50.00 plus court cosets.

b. On or about July 20, 1998, Hayes pled guilty to the class A misdemeanor of Operated Motor Vehicle On Highway While Drives License/Privilege Revoked (Suspended for Points) and the class A misdemeanor of Possession of Up to 25 Grams Marijuana in the Circuit Court of Randolph County, Missouri, case

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

number 14RO59800207. The Court sentenced Hayes to 9 months in jail on the Operated Motor Vehicle charge and 15 days on the Possession charged but suspended the execution of sentence and placed Hayes on two years' supervised probation.

- c. On or about September 28, 1998, Hayes pled guilty to the class A misdemeanor of Operated Motor Vehicle On Highway While Drivers License/Privilege Revoked (Suspended For Points) in the Circuit Court of Randolph County, Missouri, case number 14RO59800766. The Court sentenced Hayes to 15 days in jail, credit for time served.
- d. On or about September 30, 1998, Hayes pled guilty to the class B misdemeanor of Peace Disturbance, First Offense and the class B misdemeanor of Property Damage 2<sup>nd</sup> Degree in the Circuit Court of Randolph County, Missouri, case number 14RO59800790. The Court sentenced Hayes to thirty days in jail on each count but suspended the execution of sentence and placed Hayes on one year supervised probation and ordered restitution within 30 days.
- e. On or about December 3, 1998, Hayes pled guilty to two counts of the class D felony of Unlawful Use of A Weapon (Subsections 1-4) in the Circuit Court of Randolph County, Missouri, case number 14RO59800482-01. The Court sentenced Hayes to three years' incarceration in Missouri Department of Corrections on each count, to be served concurrently.
- f. On or about January 13, 1999, Hayes pled guilty to the class A misdemeanor of Operating Motor Vehicle on Highway While Driver License/Privilege Revoked (Revoked for Points/Fail to Submit to Chemical Test) in the Circuit Court of

Randolph County, Missouri, case number 13RO19862202. The Court sentenced Hayes to 90 days in jail but suspended the imposition of sentence and placed Hayes on two years' supervised probation as well as shock detention and ordered Hayes not to operate a motor vehicle unlawfully.

- g. On or about November 22, 2006, Hayes pled guilty to the class B felony of Trafficking In Drugs In the Second Degree and the class A misdemeanor of Resisting/Interfering With Arrest/Detention Or Stop in the Circuit Court of Randolph County, Missouri, case number 06RA-CR00908-01. The Court sentenced Hayes to ten years' incarceration subject to section 559.115, RSMo, and 30 days on the resisting charge. Pursuant to section 559.115, RSMo, Licensee served 120 days in the Institutional Treatment Center in Missouri Department of Corrections and the court suspended the execution of sentence and placed Hayes on five years' supervised probation. The Court revoked Hayes' probation on November 14, 2009, and executed the sentence with credit for time served.
- h. On or about September 24, 2018, Hayes pled guilty to the class A misdemeanor of Possession Of Marijuana/Synthetic Cannabinoid of 10 Grams Or Less – Prior Drug Offense and the class A misdemeanor of Driving While Revoked/Suspended – 2<sup>nd</sup> or 3<sup>rd</sup> Offense, in the Circuit Court of Randolph County, Missouri, case number 18RA-CR00430. The Court suspended the imposition of sentence on the Driving While Revoked charge and placed Hayes on two years' supervised probation. The Court fined Hayes \$500 for the Possession charge.

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 Hayes' 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 Hayes' actions as set forth in paragraphs 2 through 5 above, the Board has cause to deny or refuse Hayes' 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 Hayes' 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, LaDerick K. Hayes is granted a cosmetology **student license**, which is hereby placed on **PROBATION** for the period during which he is enrolled in cosmetology school and receiving training hours. During the aforementioned probation, LaDerick K. Hayes 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, LaDerick K. Hayes, 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.

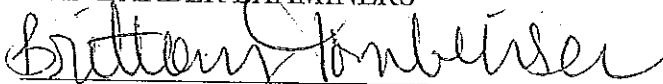
- C. During the probationary period, Applicant shall accept and comply with unannounced visits from the Board's representatives to monitor compliance with the terms and conditions of this Order.
- D. During the disciplinary period, Applicant shall appear in person for interviews with the Board or its 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 17<sup>th</sup> DAY OF MAY, 2019.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS

  
Brittany Tomblinson, Executive Director



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