

I.

FINDINGS OF FACT

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo,¹ 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 30, 2018, Holmes-Barnes applied for a cosmetology student license to enroll at Sam Brown's Cosmetology & Barber Institute, 1729 W. Broadway, Columbia, Missouri.

3. On her application, Holmes-Barnes 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, Holmes-Barnes provided a statement regarding her criminal background. She stated that she is changing her future for herself and her children. She stated she has been incarcerated five times, the longest for 19 months. She stated she took every class she could during that time and graduated from them all. She stated she loves to do hair. Holmes-Barnes also described each of her convictions identified in paragraph 5 below.

5. A review of Holmes-Barnes' criminal history reveals that:

- a. On or about July 9, 2003, Holmes-Barnes pled guilty to the class A misdemeanor of Theft/Stealing, value less than \$500, in the Circuit Court of Cole County, Missouri, case number 03CR323640. The Court suspended the imposition of

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

sentence and placed Holmes-Barnes on two years' unsupervised probation. The Court revoked Holmes-Barnes' probation, sentenced her to one day in jail and waived costs.

- b. On or about August 11, 2003, Holmes-Barnes pled guilty to the class A misdemeanor of Theft/Stealing, value less than \$500, in the Circuit Court of Boone County, Missouri, case number 03CR165597. The Court sentenced her to 25 days in the Boone County Jail with credit for time served.
- c. On or about August 5, 2005, Holmes-Barnes pled guilty to the class C felony of Forgery in the Circuit Court of Callaway County, Missouri, case number 04CR169746-01. On February 6, 2006, the Court sentenced Holmes-Barnes to three years' incarceration in Missouri Department of Corrections but suspended the execution of sentence and placed her on five years' supervised probation. On December 1, 2008, the Court revoked Holmes-Barnes' probation and executed the three year prison sentence.
- d. On or about July 19, 2005, Holmes-Barnes pled guilty to the class A misdemeanor of Theft/Stealing, value less than \$500, in the Circuit Court of Cole County, Missouri, case number 03CR323640. The Court sentenced her to thirty days in jail but suspended the imposition of sentence and placed her on two years' unsupervised probation.
- e. On or about August 5, 2005, Holmes-Barnes pled guilty to the class C felony of Theft/Stealing, value between \$500 and \$25,000, in the Circuit Court of Boone County, Missouri, case number 05BA-CR02333-01. The Court sentenced Holmes-Barnes to seven years' incarceration but suspended the imposition of

sentence, ordered shock incarceration and institutional treatment followed by five years' probation. On May 31, 2007, the Court revoked Holmes-Barnes' probation and executed the prison sentence.

- f. On or about August 4, 2005, Holmes-Barnes pled guilty to the class A misdemeanor of Theft/Stealing, value less than \$500 in the Circuit Court of Boone County, Missouri, case number 05BA-CR02609. The Court sentenced Holmes-Barnes to 25 days in jail with credit for time served.
- g. On or about November 22, 2005, Holmes-Barnes pled guilty to the class A misdemeanor of Theft/Stealing, value less than \$500 in the Circuit Court of Cole County, Missouri, case number 05C9-CR02402. The Court sentenced Holmes-Barnes to ten days in jail consecutive to case number 05C9-CR02402 but approved her for house arrest plus costs.
- h. On or about November 22, 2005, Holmes-Barnes pled guilty to the class A misdemeanor of Theft/Stealing, value less than \$500 in the Circuit Court of Cole County, Missouri, case number 05C9-CR01934. The Court sentenced Holmes-Barnes to ten days in jail consecutive to case number 05C9-CR02402 but approved her for house arrest plus costs.
- i. On or about December 1, 2005, Holmes-Barnes pled guilty to the class A misdemeanor of Theft/Stealing, value less than \$500 in the Circuit Court of Cole County, Missouri, case number 26R020502268. The Court sentenced Holmes-Barnes to one year in Cole County jail but suspended the execution of sentence and placed her on two years' probation and a fine.

- j. On or about September 15, 2006, Holmes-Barnes pled guilty to the class A misdemeanor of Domestic Assault – 3rd Degree – 1st/2nd offense in the Circuit Court of Boone County, Missouri, case number 06BA-CR02452. The Court sentenced Holmes-Barnes to 30 days in jail but suspended the execution of sentence and placed her on two years' supervised probation. On June 8, 2007, the Court revoked her probation and executed the jail sentence.
- k. On or about August 30, 2011, Holmes-Barnes pled guilty to the class B misdemeanor of DWI-Alcohol and the class C misdemeanor of Exceeded Posted Speed Limit (6-10 mph) in the Circuit Court of Boone County Missouri, case number 11BA-CR00295. The Court sentenced Holmes-Barnes to 90 days in the Boone County jail on the DWI count but suspended the execution of sentence and placed her on two years' unsupervised probation. The Court sentenced Holmes-Barnes to a \$150 fine for the Exceeded Speed Limit count.
- l. On or about June 6, 2012, Holmes-Barnes pled guilty to the class A misdemeanor of Passing Bad Check – Less than \$500 in the Circuit Court of Boone County, Missouri, case number 12BA-CR00865. The Court sentenced Holmes-Barnes to five months' in Boone County Jail concurrent with a Missouri Department of Corrections sentence.
- m. On or about April 10, 2012, Holmes-Barnes pled guilty to the class B misdemeanor of Trespass- 1st Degree in the Circuit Court of Boone County, Missouri, case number 12BA-CR00253. The Court sentenced Barnes to five days in Boone County Jail.

- n. On or about January 23, 2015, Holmes-Barnes pled guilty to the class D felony of Stealing Related Offense – 3rd Offense (Stealing, Buying, Receiving, Robbery) in the Circuit Court of Boone County, Missouri, case number 13BA-CR02906-01. The Court sentenced Holmes-Barnes to four years' incarceration in Missouri Department of Corrections but suspended the execution of sentence and placed her on five years' supervised probation. On November 21, 2016, the Court revoked Holmes-Barnes probation, executed the prison sentence and ordered two years' Intensive Substance Abuse Program through Missouri Department of Corrections.
- o. On or about January 23, 2015, Holmes-Barnes pled guilty to the class D felony of Stealing Related Offense – 3rd Offense (Stealing, Buying, Receiving, Robbery) in the Circuit Court of Boone County, Missouri, case number 13BA-CR01642-01. The Court sentenced Holmes-Barnes to four years' incarceration in Missouri Department of Corrections but suspended the execution of sentence and placed her on five years' supervised probation. On November 21, 2016, the Court revoked Holmes-Barnes probation, executed the prison sentence and ordered two years' Intensive Substance Abuse Program through Missouri Department of Corrections.
- p. On or about November 21, 2016, Holmes-Barnes pled guilty to the class D felony of Property Damage 1st Degree in the Circuit Court of Boone County, Missouri, case number 16BA-CR01755-01. The Court sentenced Holmes-Barnes to four years' incarceration in Missouri Department of Corrections and ordered two

years' Intensive Substance Abuse Program through Missouri Department of Corrections.

- q. On or about January 29, 2018, Holmes-Barnes pled guilty to the class D felony of Stealing Related Offense – 3rd Offense (Stealing, Buying, Receiving, Robbery) in the Circuit Court of Cole County, Missouri, case number 16AC-CR01232-01. The Court sentenced Holmes-Barnes to 120 days in Cole County Jail.

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 Holmes-Barnes' 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 Holmes-Barnes' actions as set forth in paragraphs 2 through 5 above, the Board has cause to deny or refuse Holmes-Barnes' 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 Holmes-Barnes' 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, Kandas Holmes-Barnes 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, Kandas Holmes-Barnes shall be entitled to enroll as a cosmetology student subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

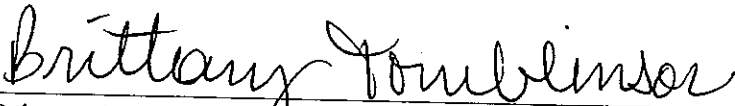
12. During the aforementioned probation, Kandas Holmes-Barnes, shall be entitled to enroll as a cosmetology student subject to the following terms and conditions:
- A. During the disciplinary period, Applicant shall comply with all provisions of Chapter 329, RSMo, all applicable board regulations, all 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 14 DAY OF AUGUST, 2018.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Brittany Tomblinson, Executive Director