

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 June 6, 2016, Jackson applied for a cosmetology student license to enroll at National Academy of Beauty Arts, 157 Concord Plaza Lower Level, St. Louis, Missouri.

3. On her application, Jackson 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, Jackson provided a statement regarding her criminal background. She stated that her original case dated back to 2002 when she was charged with assault as a result of being attacked by an angry driver “who displayed road rage.” She stated she was placed on probation but “caught another case.” She stated after this she became addicted to drugs which resulted in all the charges in 2013, 2014 and 2015. She stated after that she spent 21 days in in-patient drug treatment and “have continued on to out-patient.” She stated she has maintained her sobriety and attends NA meetings every week.

5. A review of Jackson’s criminal history reveals:

- a. On or about May 29, 2003, Jackson pled guilty to the class C felony of Assault – 2nd Degree and the class B misdemeanor of Property Damage 2nd Degree in the

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

Circuit Court of St. Louis, Missouri, case number 2102R-02502B-01. The Court sentenced Jackson to four years' incarceration but suspended the execution of sentence and placed Jackson on five years' probation, ordering restitution, fulltime employment, the Women in Transition Program and obtaining her GED. The Court revoked Jackson's probation on March 12, 2009 and executed the incarceration sentence.

- b. On or about July 19, 2007, Jackson pled guilty to the class C misdemeanor of As Owner, Operator or Authorized Another to Operate a Motor Vehicle without Maintaining Financial Responsibility in the Circuit Court of St. Louis County, Missouri, case number 2107T-04323. The Court sentenced Jackson to three days in jail.
- c. On or about July 19, 2007, Jackson pled guilty to the class B misdemeanor of Failure to Register Motor Vehicle in the Circuit Court of St. Louis County, Missouri, case number 2107T-04325. The Court sentenced Jackson to three days in jail.
- d. On or about August 7 , 2008, Jackson pled guilty to the class D felony of Leaving Scene of Motor Vehicle Accident – Injury, Property Damage or 2nd Offense and the class A misdemeanor of Theft/Stealing (Value of Property or Services Less than \$500) in the Circuit Court of St. Louis County, Missouri, case number 08SL-CR02189-01. The Court sentenced Jackson to four years' incarceration but suspended the execution of sentence and placed Jackson on 5 years' probation, ordered full time employment, the Women in Transition program, obtaining a

GED and restitution. The Court then revoked Jackson's probation on or about March 12, 2009 and executed the incarceration sentence.

- e. On or about September 18, 2009, Jackson pled guilty to class A misdemeanor of Operating Motor Vehicle on Highway While Drivers License/Privilege Revoked (Suspended for Points) in the Circuit Court of St. Louis City, Missouri, case number 0722CR07053. The Court sentenced Jackson to 10 days in jail.
- f. On or about February 6, 2013, Jackson pled guilty to the class A misdemeanor of Theft/Stealing (Value of Property or Services Less than \$500) in the Circuit Court of St. Louis City, Missouri, case number 1222-CR02582. The Court sentenced Jackson to 58 days in jail with credit for 58 days' time served.
- g. On or about November 15, 2013, Jackson pled guilty to the class D felony of Stealing Related Offense – 3rd Offense (Stealing, Receiving, Robbery) in the Circuit Court of St. Louis County, Missouri, case number 13SL-CR00587-01. The Court sentenced Jackson to one year in jail to be served concurrently with cases 13SL-CR04885 and 13SL-CR03776.
- h. On or about November 15, 2013, Jackson pled guilty to the class D felony of Stealing Related Offense – 3rd Offense (Stealing, Receiving, Robbery) in the Circuit Court of St. Louis County, Missouri, case number 13SL-CR03776-01. The Court sentenced Jackson to one year in jail to be served concurrently with cases 13SL-CR04885 and 13SL-CR00587.
- i. On or about November 15, 2013, Jackson pled guilty to the class D felony of Stealing Related Offense – 3rd Offense (Stealing, Receiving, Robbery) in the Circuit Court of St. Louis County, Missouri, case number 13SL-CR04885-01.

The Court sentenced Jackson to one year in jail to be served concurrently with cases 13SL-CR03776 and 13SL-CR00587.

- j. On or about November 20, 2014, Jackson pled guilty to the unclassified misdemeanor of Violations of Rules and Regulations of Rapid Transit Car, Bus or Other Conveyance in the Circuit Court of St. Louis County, Missouri, case number 888148122. The Court sentenced Jackson to one day in jail.
- k. On or about February 20, 2015, Jackson pled guilty to the unclassified misdemeanor of Violations of Rules and Regulations of Rapid Transit Car, Bus or Other Conveyance in the Circuit Court of St. Louis County, Missouri, case number 888152368. The Court sentenced Jackson to one day in jail with credit for time served.
- l. On or about October 20, 2015, Jackson pled guilty to the class D felony of Stealing Related Offense – 3rd Offense (Stealing, Receiving, Robbery) in the Circuit Court of St. Louis County, Missouri, case number 15SL-CR01557-01. The Court sentenced Jackson to 4 years' incarceration but suspended the execution of sentence, placed Jackson on 5 years' probation, ordered 120 days' shock detention, no contact with the victim, and fulltime school or employment.

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 Jackson'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 Jackson's actions as set forth in paragraphs 2 through 5 above, the Board has cause to deny or refuse Jackson'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 Jackson'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, Tameika T. Jackson 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, not to exceed five (5) years from the effective date of this Order. During the aforementioned probation, Tameika T. Jackson 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, Tameika T. Jackson, 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.

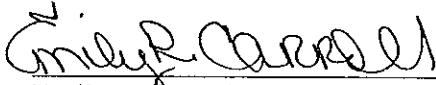
- E. Applicant shall submit written reports to the Board on or before January 1 and July 1 during each year of the probationary period stating truthfully whether there has been compliance with all terms and conditions of this Order. The first such report shall be received by the Board on or before January 1, 2017.
- F. 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.
- G. 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.
- H. 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.
- I. 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 12th DAY OF JULY, 2016.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director