

**BEFORE THE MISSOURI  
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS**

STATE BOARD OF COSMETOLOGY	)	
AND BARBER EXAMINERS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 16-009
	)	
NIKITA JEFFERSON,	)	
	)	
Respondent.	)	

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND DISCIPLINARY ORDER**

At its regularly scheduled meeting on January 23, 2017, at approximately 9:00 a.m., and pursuant to notice described in the Findings of Fact, the Missouri State Board of Cosmetology and Barber Examiners ("Board") took up the probation violation complaint alleging that Nikita Jefferson ("Respondent"), has failed to comply with the terms of her probation of her "Class CA - hairdressing and manicuring" license, license number 2009014471.

The board appeared at the hearing through its attorney Jamie Cox. Despite adequate notice, Respondent did not appear at the hearing in person and was not represented by legal counsel. Division of Professional Registration Legal Counsel Thomas Townsend served as the board's legal advisor at the hearing, during deliberations, and in the preparation of this order.

**Findings of Fact**

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

2. Respondent is a natural person whose address of record for the Board is 6917 Etzel Ave, St. Louis, Missouri 63130.
3. Respondent holds a "Class CA - hairdressing and manicuring" operator license, license number 2009014471.
4. Respondent's "Class CA - hairdressing and manicuring" operator license, license number 2009014471, was not at all times current and valid. Respondent's operator license was subject to renewal pending renewal payment, but was renewed on or about January 8, 2016.
5. Respondent operates a cosmetology rental space at an establishment, located at 6800 C Olive Blvd., St. Louis, Missouri 63130, without a current and active cosmetology rental establishment license and without displaying a valid rental establishment license.
6. Respondent's "Class CA hairdressing and manicuring" license was placed on probation for a period of three (3) years commencing on May 5, 2015 and ending on May 5, 2018, pursuant to a settlement agreement entered into by Respondent and Petitioner.
7. The April 11, 2015 settlement agreement, pursuant to page 8, Paragraph I, of the settlement agreement, required Respondent to obtain a rental space establishment license for within thirty days of the effective date of the settlement agreement.
8. On or about September 17, 2015, the Board's inspector conducted an inspection at the establishment located at 6800 C Olive Blvd., St. Louis, Missouri 63130. Respondent was not present at the time of the inspection, but her station was fully set-up and her cosmetology operator license was current and posted in public view.
9. The Board's September 17, 2015 inspection revealed that Respondent was providing and/or offering to provide cosmetology services at a rented space when

she did not have a rental space establishment license for the location, in violation of § 329.030, RSMo, section 329.045.1, RSMo, and 20 CSR 2085-10.010.

10. The Board sent Respondent a violation notice on or about October 6, 2015, regarding the September 17, 2015 inspection.

11. On or about November 6, 2015, the Board's inspector conducted an inspection at the establishment located at 6800 C Olive Blvd., St. Louis, Missouri 63130. Respondent was not present at the time of the inspection, and her expired cosmetologist operator license was posted in public view.

12. The Board's November 6, 2015 inspection revealed that Respondent was providing and/or offering to provide cosmetology services at a rented space when she did not have a rental space establishment license for the location and her posted operator license was not current, in violation of § 329.030, RSMo, section 329.045.1, RSMo, 20 CSR 2085-7.040, 20 CSR 2085-10.010 and 20 CSR 2085-10.060.

13. The Board's November 6, 2015 inspection also revealed that Respondent's cosmetologist operator license was not current and had expired on September 30, 2015.

14. The Board sent Respondent a violation notice on or about November 17, 2015, regarding the November 6, 2015 inspection.

15. On or about December 11, 2015, the Board's inspector conducted an inspection at the establishment located at 6800 C Olive Blvd., St. Louis, Missouri 63130. Respondent was present at the time of the inspection, and her expired cosmetologist operator license was posted in public view.

16. The Board's December 11, 2015 inspection revealed that Respondent was providing and/or offering to provide cosmetology services at a rented space when she did not have a rental space establishment license for the location and her posted

operator license was not current, in violation of § 329.030, RSMo, section 329.045.1, RSMo, 20 CSR 2085-7.040, 20 CSR 2085-10.010 and 20 CSR 2085-10.060.

17. The Board's December 11, 2015 inspection also revealed that Respondent's cosmetologist operator license was not current and had expired on September 30, 2015.

18. The Board sent Respondent a violation notice on or about December 22, 2015, regarding the December 11, 2015 inspection.

19. Respondent's conduct as described in paragraphs 8 – 18 above violated Chapter 329, RSMo, the Board's rules and regulations and constituted a violation of her probation and the April 11, 2015 settlement agreement page 9, Paragraph II. D., which required Respondent to comply with all provisions of Chapter 329, RSMo, and Board rules and regulations; and Paragraph II. E., requiring Respondent to timely renew her licenses and timely pay all fees required for licensing and to comply with all other requirements necessary to maintain her licenses in a current and active state.

20. During the probationary period, Respondent was entitled to continue practicing as a licensed cosmetologist under Chapter 329, RSMo, provided she adhere to all the terms and conditions of the settlement agreement.

21. On or about January 4, 2016, a Probation Violation Complaint was filed with the Board which asserted that Respondent failed to comply with all Board requirements necessary to maintain her license in a current and active state as required by the April 11, 2015 settlement agreement on page 8, Paragraph 1., and page 9, Paragraph II. D. and E., as terms and conditions.

22. On or about May 16, 2016, a hearing was held before the Board on the probation violation complaint. Respondent did not appear at the hearing.

23. On or about June 2, 2016, the Board issued its Findings of Fact, Conclusion of Law and Disciplinary Order, which determined that Respondent had violated the terms and conditions of her April 11, 2015 settlement agreement and probation with the Board. The June 2016 Order suspended Respondent's "Class CA-hairdressing and manicuring" license for a period not to exceed three years, or until Respondent submitted written proof to the Board that she obtained a rental establishment license for the location of the Establishment. Pursuant to paragraph 25 of the June 2016 Order, Respondent was not to perform cosmetology services during the period of her suspension and the suspension began on or about June 17, 2016.

24. On or about August 12, 2016, the Board's inspector conducted an inspection at the establishment located at 6800 C Olive Blvd., St. Louis, Missouri 63130. Respondent was present at the time of the inspection, and her cosmetologist operator license was posted in public view.

25. The Board's August 12, 2016 inspection revealed that Respondent's suspended license was posted and Respondent was providing and/or offering to provide cosmetology services while her license was suspended in violation of her June 2016 Disciplinary Order, § 329.030, RSMo, section 329.045.1, RSMo, and 20 CSR 2085-10.060. Respondent was also found to be providing and/or offering to provide cosmetology services at a rented space when she did not have a rental space establishment license for the location, in violation of § 329.030, RSMo, section 329.045.1, RSMo, and, 20 CSR 2085-10.010.

26. On or about August 22, 2016, the Board sent Respondent a violation notice regarding the August 12, 2016 inspection.

27. On or about September 9, 2016, the Board's inspector conducted an inspection at the establishment located at 6800 C Olive Blvd., St. Louis, Missouri 63130.

Respondent was present at the time of the inspection, and her cosmetologist operator license was posted in public view.

28. The Board's September 9, 2016 inspection revealed that Respondent's suspended license was posted and Respondent was providing and/or offering to provide cosmetology services while her license was suspended in violation of her June 2016 Disciplinary Order, § 329.030, RSMo, section 329.045.1, RSMo, and 20 CSR 2085-10.060. Respondent was also found to be providing and/or offering to provide cosmetology services at a rented space when she did not have a rental space establishment license for the location, in violation of § 329.030, RSMo, section 329.045.1, RSMo, and, 20 CSR 2085-10.010.

29. On or about September 28, 2016, the Board sent Respondent a violation notice regarding the September 9, 2016 inspection.

30. Respondent's conduct is in violation of Chapter 329, RSMo, and the Board's rules and regulations, and constituted a violation of her suspension and the Board's June 2016 Disciplinary Order, including paragraph 25 of the June 2016 Order.

#### **Conclusions of Law**

31. The Board has jurisdiction and venue is proper before the Missouri State Board of Cosmetology and Barber Examiners pursuant to the April 11, 2015 settlement agreement, the June 2016 Order, and § 324.042, RSMo, which authorizes the Board to impose additional discipline in a disciplinary hearing arising from a probation violation regarding Respondent's "Class CA - hairdressing and manicuring" license, license number 2009014471.

32. Section 324.042, RSMo, provides:

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may

impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

33. Respondent violated the terms and conditions of discipline set forth in the April 11, 2015 settlement agreement and the June 2016 Disciplinary Order, as described in the Findings of Fact of this Order.

**Decision and Order**

34. The Missouri State Board of Cosmetology and Barber Examiners orders that Respondent's "Class CA - hairdressing and manicuring" license, license number 2009014471, be **REVOKED**, effective the date of this Order. If Respondent comes into compliance with the requirements of the April 11, 2015 settlement agreement and the June 2016 Disciplinary Order, by gaining a rental establishment license to practice or showing proof of being an employee of the establishment, within thirty (30) days of the date of this Order, the **REVOCATION** will be set aside and Respondent's "Class CA-hairdressing and manicuring" operator license shall be immediately placed back on probation for the remainder of the previously ordered three (3) year probationary period, and shall be subject to the terms and conditions of the April 11, 2015 Settlement Agreement and June 2016 Order.

35. The Board will maintain this Order as an open and public record of the Board as provided in Chapters 329, 610, and 324, RSMo.

**SO ORDERED, EFFECTIVE THIS 23rd DAY OF February, 2017.**

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS



Emily R. Carroll, Executive Director

**BEFORE THE MISSOURI  
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS**

STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS,

Petitioner,

v.

NIKITA JEFFERSON,

Respondent.

Case No. 16-001

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND DISCIPLINARY ORDER**

At its regularly scheduled meeting on May 16, 2016, at approximately 9:00 a.m., and pursuant to notice described in the Findings of Fact, the Missouri State Board of Cosmetology and Barber Examiners ("Board") took up the probation violation complaint alleging that Nikita Jefferson ("Respondent"), has failed to comply with the terms of her probation of her "Class CA - hairdressing and manicuring" license, license number 2009014471.

The board appeared at the hearing through its attorney Jamie Cox. Despite adequate notice, Respondent did not appear at the hearing in person and was not represented by legal counsel. Division of Professional Registration Legal Counsel Sarah Ledgerwood served as the board's legal advisor at the hearing, during deliberations, and in the preparation of this order.

**Findings of Fact**

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

2. Respondent is a natural person whose address of record for the Board is 6917 Etzel Ave, St. Louis, Missouri 63130.

3. Respondent holds a "Class CA - hairdressing and manicuring" operator license, license number 2009014471.

4. Respondent's "Class CA - hairdressing and manicuring" operator license, license number 2009014471, was not at all times current and valid. Respondent's operator license had expired but was reinstated on January 8, 2016.

5. Respondent operates a cosmetology rental space at Studio E1, an unlicensed establishment, located at 6800 C Olive Blvd., St. Louis, Missouri 63130.

6. Respondent's "Class CA hairdressing and manicuring" license was placed on probation for a period of three (3) years commencing on May 5, 2015 and ending on May 5, 2018, pursuant to a Settlement Agreement entered into by Respondent and Petitioner.

7. The April 11, 2015 Settlement Agreement, pursuant to page 8, Paragraph I, of the Settlement Agreement, was required to obtain a rental space establishment license for Studio E1 within thirty days of the effective date of the Settlement Agreement.

8. On or about September 17, 2015, the Board's inspector conducted an inspection at Studio E1. Respondent was not present at the time of the inspection, but her station was fully set-up and her cosmetology operator license was current and posted in public view.

9. The Board's September 17, 2015 inspection revealed that Respondent was providing and/or offering to provide cosmetology services at a rented space when she did not have a rental space establishment license for the location, in violation of § 329.030, RSMo, section 329.045.1, RSMo, and 20 CSR 2085-10.010.

10. The Board sent Respondent a violation notice on or about October 6, 2015, regarding the September 17, 2015 inspection.

11. On or about November 6, 2015, the Board's inspector conducted an inspection at Studio EI. Respondent was not present at the time of the inspection, and her expired cosmetologist operator license was posted in public view.

12. The Board's November 6, 2015 inspection revealed that Respondent was providing and/or offering to provide cosmetology services at a rented space when she did not have a rental space establishment license for the location and her posted operator license was not current, in violation of § 329.030, RSMo, section 329.045.1, RSMo, 20 CSR 2085-7.040, 20 CSR 2085-10.010 and 20 CSR 2085-10.060.

13. The Board's November 6, 2015 inspection also revealed that Respondent's cosmetologist operator license was not current and had expired on September 30, 2015.

14. The Board sent Respondent a violation notice on or about November 17, 2015, regarding the November 6, 2015 inspection.

15. On or about December 11, 2015, the Board's inspector conducted an inspection at Studio EI. Respondent was present at the time of the inspection, and her expired cosmetologist operator license was posted in public view.

16. The Board's December 11, 2015 inspection revealed that Respondent was providing and/or offering to provide cosmetology services at a rented space when she did not have a rental space establishment license for the location and her posted operator license was not current, in violation of § 329.030, RSMo, section 329.045.1, RSMo, 20 CSR 2085-7.040, 20 CSR 2085-10.010 and 20 CSR 2085-10.060.

17. The Board's December 11, 2015 inspection also revealed that Respondent's cosmetologist operator license was not current and had expired on September 30, 2015.

18. The Board sent Respondent a violation notice on or about December 22, 2015, regarding the December 11, 2015 inspection.

19. Respondent's conduct as described in paragraphs 8 – 18 above violated Chapter 329, RSMo, the Board's rules and regulations and constituted a violation of her probation and the April 11, 2015 Settlement Agreement page 9, Paragraph II. D., which required Respondent to comply with all provisions of Chapter 329, RSMo, and Board rules and regulations; and Paragraph II. E., requiring Respondent to timely renew her licenses and timely pay all fees required for licensing and to comply with all other requirements necessary to maintain her licenses in a current and active state.

20. During the probationary period, Respondent was entitled to continue practicing as a licensed cosmetologist under Chapter 329, RSMo, provided she adhere to all the terms and conditions of the Settlement Agreement.

21. On or about January 4, 2016, a Probation Violation Complaint was filed with the Board which asserted that Respondent failed to comply with all Board requirements necessary to maintain her license in a current and active state as required by the April 11, 2015 Settlement Agreement on page 8, Paragraph 1., and page 9, Paragraph II. D. and E., as terms and conditions.

#### Conclusions of Law

22. The Board has jurisdiction and venue is proper before the Missouri State Board of Cosmetology and Barber Examiners pursuant to the April 11, 2015 Settlement Agreement and § 324.042, RSMo, which authorizes the Board to impose additional discipline in a disciplinary hearing arising from a probation violation regarding Respondent's "Class CA - hairdressing and manicuring" license, license number 2009014471.

23. Section 324.042, RSMo, provides:

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

24. Respondent violated the terms and conditions of discipline set forth in the April 11, 2015 Settlement Agreement, as described in the Findings of Fact of this Order, by violating the terms and conditions found in page 8, Paragraph I and page 9, Paragraphs D. and E., as detailed in paragraphs 8 through 18 above.

#### Decision and Order

25. The Missouri State Board of Cosmetology and Barber Examiners orders that Respondent's "Class CA - hairdressing and manicuring" license, license number 2009014471, be **SUSPENDED**, effective the date of this Order, for a period, not to exceed three (3) years, or until such time as Respondent submits written proof to the Board that Respondent and obtained a rental space establishment license for the 6800 C Olive Blvd., St. Louis, Missouri 63130 location. The period of **SUSPENSION** shall begin fifteen (15) days from the date this Order is signed by the Board's Executive Director. Licensee shall not perform cosmetology services during the period of **SUSPENSION**. At the conclusion of the ordered suspension, Respondent's "Class CA - hair dressing and manicuring" operating license shall be immediately placed back on **PROBATION**. Respondent's **PROBATION** shall include two (2) additional years added to the remainder of the previously ordered three (3) year probationary period. Respondent's probationary period shall be subject to the terms and conditions of the April 11, 2015 Settlement Agreement and will end May 5, 2020.

26. The Board will maintain this Order as an open and public record of the Board as provided in Chapters 329, 610, and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 2<sup>nd</sup> DAY OF JUNE, 2016.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS

  
\_\_\_\_\_  
Emily R. Carroll, Executive Director

**SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD OF COSMETOLOGY AND  
BARBER EXAMINERS AND NIKITA JEFFERSON**

Come now Nikita Jefferson ("Licensee") 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 class CA hairdressing and manicuring operator license 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 Licensee's license, and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo.

Licensee acknowledges that Licensee understands the various rights and privileges afforded Licensee by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own 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 Licensee and, subsequently, the right to a disciplinary hearing before the Board at which time Licensee may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against Licensee's license. Being aware of these rights provided Licensee by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this settlement agreement and agrees to abide by the terms of this document, as they pertain to Licensee.

Licensee acknowledges that Licensee has received a copy of the inspection reports and other documents relied upon by the Board in determining there was cause to discipline

---

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

Licensee's license, along with citations to law and/or regulations the Board believes was violated.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Board that Licensee's Class CA hairdressing and manicuring operator license, numbered 2009014471 is subject to disciplinary action by the Board in accordance with the provisions of Chapters 621 and 329, RSMo.

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 holds a cosmetologist class CA hairdressing and manicuring license, license number 2009014471. Licensee's operator license was not current and active at all times herein.
3. Licensee holds a cosmetologist establishment license, license number 2011009465 for Studio EI. Licensee's establishment license was not current and active at all times herein.
4. On or about October 17, 2013, the Board's inspector conducted a routine inspection of Studio EI, located at 6800 C Olive Blvd., St. Louis, Missouri. Licensee was not present at the time of the inspection. Licensee's operator license was not current or active but was posted in plain view at Studio EI. The Board's inspection revealed the following violation: Licensee's operator license was not current due to non-renewal and Licensee's establishment license had expired, in violation of Sections 329.030, 329.045, RSMo, 20 CSR 2085-7.040 and 20 CSR 2085-10.010. On or about November 13, 2013, the Board sent Licensee a violation notice regarding the October 17, 2013 inspection.

5. On or about January 30, 2014, the Board's inspector conducted a follow-up inspection of Studio EI. Licensee was not present at the time of the inspection. Licensee's operator license was not current or active but was posted in plain view at Studio EI. The Board's inspection revealed the following violation: Licensee's operator license was not current due to non-renewal and Licensee's establishment license had expired, in violation of Sections 329.030, 329.045, RSMo, 20 CSR 2085-7.040 and 20 CSR 2085-10.010. On or about March 4, 2014, the Board sent Licensee a violation notice regarding the January 30, 2014 inspection.

6. On or about March 27, 2014, the Board's inspector conducted a follow-up inspection of Studio EI. Licensee was not present at the time of the inspection. Licensee's operator license was not current or active and was not posted in plain view at Studio EI. The Board's inspection revealed the following violation: Licensee's operator license was not current due to non-renewal and Licensee's establishment license had expired, in violation of Sections 329.030, 329.045, RSMo, 20 CSR 2085-7.040 and 20 CSR 2085-10.010. On or about April 23, 2014, the Board sent Licensee a violation notice regarding the March 27, 2014 inspection.

7. On or about May 22, 2014, the Board's inspector conducted a follow-up inspection of Studio EI. Licensee was present at the time of the inspection. Licensee's operator license was not current or active but was posted in plain view at Studio EI. The Board's inspection revealed the following violation: Licensee's operator license was not current due to non-renewal and Licensee's establishment license had expired, in violation of Sections 329.030, 329.045, RSMo, 20 CSR 2085-7.040 and 20 CSR 2085-10.010. On or about June 26, 2014, the Board sent Licensee a violation notice regarding the May 22, 2014 inspection.

8. On or about May 22, 2014, the Board's inspector conducted a follow-up inspection of Studio EI. Licensee was present at the time of the inspection. Licensee's operator license was not current or active but was posted in plain view at Studio EI. The Board's inspection revealed the following violation: Licensee's operator license was not current due to non-renewal and the Licensee's establishment license had expired, in violation of Sections

329.030, 329.045, RSMo, 20 CSR 2085-7.040 and 20 CSR 2085-10.010. On or about June 26, 2014, the Board sent Licensee a violation notice regarding the May 22, 2014 inspection.

9. On or about July 31, 2014, the Board's inspector conducted a follow-up inspection of Studio EI. Licensee was not present at the time of the inspection. Licensee's operator license was not current or active but was posted in plain view at Studio EI. The Board's inspection revealed the following violation: Licensee's operator license was not current due to non-renewal and Licensee's establishment license had expired, in violation of Sections 329.030, 329.045, RSMo, 20 CSR 2085-7.040 and 20 CSR 2085-10.010. On or about August 8, 2014, the Board sent Licensee a violation notice regarding the July 31, 2014 inspection.

10. On or about September 5, 2014, the Board's inspector conducted a follow-up inspection of Studio EI. Licensee was present at the time of the inspection. Licensee's operator license was not current or active but was posted in plain view at Studio EI. The Board's inspection revealed the following violation: Licensee's operator license was not current due to non-renewal and Licensee's establishment license had expired, in violation of Sections 329.030, 329.045, RSMo, 20 CSR 2085-7.040 and 20 CSR 2085-10.010. On or about September 15, 2014, the Board sent Licensee a violation notice regarding the September 5, 2014 inspection.

11. On or about November 19, 2014, the Board's inspector conducted a follow-up inspection of Studio EI. Licensee was not present at the time of the inspection. Licensee's operator license was not current or active but was posted in plain view at Studio EI. The Board's inspection revealed the following violation: Licensee's operator license was not current due to non-renewal and Licensee's establishment license had expired, in violation of Sections 329.030, 329.045, RSMo, 20 CSR 2085-7.040 and 20 CSR 2085-10.010. On or about December 4, 2014, the Board sent Licensee a violation notice regarding the November 19, 2014 inspection.

12. On or about December 31, 2014, the Board's inspector conducted a follow-up inspection of Studio EI. Licensee was not present at the time of the inspection. Licensee's

operator license was current or active and posted in plain view at Studio EI. The Board's inspection revealed the following violation: Licensee's establishment license had expired, in violation of Sections 329.030, 329.045, RSMo, and 20 CSR 2085-10.010. On or about January 15, 2015, the Board sent Licensee a violation notice regarding the December 31, 2014 inspection.

13. On or about February 13, 2015, the Board's inspector conducted a follow-up inspection of Studio EI. Licensee was not present at the time of the inspection. Licensee's operator license was current and active and posted in plain view at Studio EI. The Board's inspection revealed the following violation: Licensee's establishment license had expired, in violation of Sections 329.030, 329.045, RSMo, and 20 CSR 2085-10.010. On or about February 26, 2015, the Board sent Licensee a violation notice regarding the February 13, 2015 inspection.

14. Section 329.030, RSMo, states:

It is unlawful for any person in this state to engage in the occupation of cosmetology or to operate an establishment or school of cosmetology, unless such person has first obtained a license as provided in this chapter.

15. Section 329.045.1, RSMo, states in relevant part:

Every establishment in which the occupation of cosmetology is practiced shall be required to obtain a license from the board. Every establishment required to be licensed shall pay to the board an establishment fee for the first three licensed cosmetologists esthetician and/or manicurists, and/or apprentices and an additional fee for each additional licensee. The fee shall be due and payable on the renewal date and, if the fee remains unpaid thereafter, there shall be a late fee in addition to the regular establishment fee or, if a new establishment opens any time during the licensing period and does not register before opening, there shall be a delinquent fee in addition to the regular establishment fee. The license shall be kept posted in plain view within the establishment at all times.

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

(1) New Barber Establishments or Cosmetology Establishments.

...

(C) No establishment shall open in Missouri until the board receives a completed application, on a form supplied by the board, the biennial establishment fee is paid, the establishment passes a board inspection, and the application is approved by the board. If an establishment opens for business before the board issues the original establishment license, a delinquent fee shall be assessed in addition to all other required licensure fees, and the board

...

(3) 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.

17. Regulation 20 CSR 2085-7.040 states, in relevant part:

...

(2) Renewals. Every two (2) years (biennially) the renewal application for active licensees must be completed, signed, accompanied by the appropriate renewal fee, and returned to the board office prior to the expiration date of the license. All licenses shall expire on September 30 of each odd-numbered year. Any application postmarked after September 30 will be returned and the applicant will be required to reinstate.

(A) Any cosmetologist whose license has expired who wishes to restore the license shall make application to the board by submitting the following within two (2) years of the license renewal date:

1. Reinstatement application for renewal of licensure; and
2. The current renewal fee and the late fee, as set forth in 20 CSR 2085-7.050.

18. As a result of Licensee's conduct as described above in paragraphs 4 through 12, Licensee violated chapter 329, RSMo, and lawful regulations adopted pursuant to chapter 329, RSMo, as described above in paragraphs 12 through 16, for which the Board has cause to take disciplinary action against Licensee's class CA hairdressing and manicuring operator license.

19. Cause exists for the Board to take disciplinary action against Licensee's class CA hairdressing and manicuring operator license under § 329.140.2(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 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 § 621.045.3, RSMo:

20. The terms of discipline shall include that the class CA hairdressing and manicuring operator license, license number 2009014471, be placed on **PROBATION** for a period of three (3) years. During Licensee's probation, Licensee shall be entitled to offer and engage in the practice of cosmetology under Chapter 329, RSMo, provided Licensee adheres to all the terms of this Settlement Agreement.

I. **SPECIFIC REQUIREMENTS**

Licensee shall obtain a booth rental establishment license from the Board pursuant to Chapter 329, RSMo. Licensee shall obtain the booth rental establishment license for Studio E1 within thirty (30) days of the effective date of this settlement agreement.

II. **GENERAL REQUIREMENTS**

A. Licensee 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. Licensee shall submit reports to the Missouri Board of Cosmetology and Barber Examiners, Post Office Box 1062, Jefferson City, Missouri 65102, stating truthfully whether Licensee has complied with all the terms and conditions of this Settlement

Agreement by no later than January 1 and July 1 during each year of the disciplinary period. The first report shall be due July 1, 2015.

C. Licensee shall keep the Board apprised of Licensee's current home and work addresses and telephone numbers. Licensee shall inform the Board within ten days of any change of home or work address and home or work telephone number.

D. Licensee shall comply with all provisions of Chapters 329, 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.

E. During the disciplinary period, Licensee shall timely renew Licensee's license(s) and timely pay all fees required for licensing and comply with all other board requirements necessary to maintain Licensee's license(s) in a current and active state.

F. If at any time during the disciplinary period, Licensee removes Licensee from the state of Missouri, ceases to be currently licensed under provisions of Chapter 329, RSMo, or fails to advise the Board of Licensee's current place of business and residence, the time of Licensee's absence, unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed in accordance with § 329.140.3, RSMo.

G. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor Licensee's compliance with the terms and conditions of this Settlement Agreement.

H. If Licensee fails 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).

I. This Settlement Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapters 328 and 329, RSMo, by Licensee not specifically mentioned in this document.

21. 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 329, 610 and 324, RSMo.

22. 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.

23. Licensee, together with Licensee's heirs and assigns, and Licensee's 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.

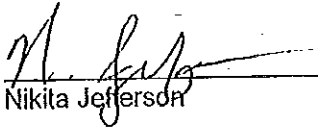
24. If no contested case has been filed against Licensee, Licensee has the right, either at the time the settlement agreement is signed by all parties or within fifteen days thereafter, to submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the settlement agreement constitute grounds for denying or disciplining the license of the licensee. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit this request to:  
**Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65101.**

25. If Licensee has requested review, Licensee and Board jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensee's license and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date

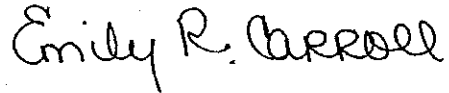
the Administrative Hearing Commission determines that the agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect.

000208 APR 17 12

LICENSEE

  
Nikita Jefferson

BOARD

  
Emily R. Carroll,  
Executive Director  
Board of Cosmetology & Barber Examiners

Date 4/11/15

Date 4/20/15

RECEIVED

APR 17 2015

Missouri Board of Cosmetology  
& Barber Examiners