

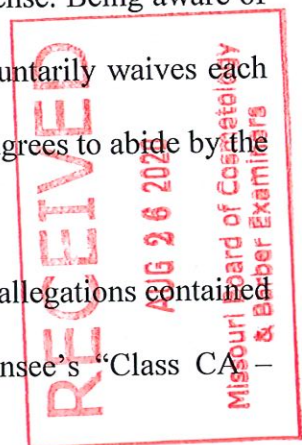
**SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD OF COSMETOLOGY AND
BARBER EXAMINERS AND ANDREA JOHNSON**

Come now Andrea Johnson (“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, the parties waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri (“AHC”) regarding cause to discipline 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.

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, license number 2010039117 is subject to disciplinary action by the Board in accordance with the provisions of Chapters 621 and 329, RSMo.

Joint Stipulation of Facts and Conclusions of Law

1. The Board of Cosmetology and Barber Examiners is an agency of the State of Missouri created and established pursuant to § 329.015, RSMo, and § 328.015, RSMo, for the purpose of executing and enforcing the provisions of Chapters 328 and 329, RSMo.

2. Licensee holds a “Class CA – Hairdressing and Manicuring” operator license, license number 2010039117. Licensee’s “Class CA – Hairdressing and Manicuring” operato license is current and active.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to Chapter 621, RSMo, and § 329.140, RSMo.

4. On or about April 16, 2018, Licensee pled guilty in the Circuit Court of Lafayette County, Missouri, case number 18LF-CR00106-01, to the class D felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana/Synthetic Cannabinoid. The Court suspended imposition of sentence and placed Licensee on supervised probation for five years. The Court subsequently revoked the probation and executed the sentence ordering Licensee to serve 7 years in the Department of Corrections.

5. On or about March 6, 2019, Licensee pled guilty in the Circuit Court of St. Clair County, case number 18SR-CR00475-01, to the class D felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana/Synthetic Cannabinoid and the class A misdemeanors of Unlawful Possession of Drug Paraphernalia—Prior Drug Offense and Possession or Marijuana/Synthetic Cannabinoid of 10 Grams of Less – Prior Drug Offense. The Court sentenced Licensee to seven years in the Department of Corrections on Count I but suspended execution of the

sentence and placed Licensee on supervised probation for five years. The Court subsequently revoked the probation and executed the seven-year sentence.

6. On or about August 13, 2019, Licensee pled guilty in the Circuit Court of Cooper County, Missouri, case number 18CO-CR00568, to the class B misdemeanor of Property Damage – 2nd Degree and the class A misdemeanor of Domestic Assault – 4th Degree. The Court sentenced Licensee to ten days of incarceration in jail on each count.

7. On or about August 13, 2019, Licensee pled guilty in the Circuit Court of Cooper County, Missouri, case number 19CO-CR00471, to the class A misdemeanor of Failure to Appear. The Court sentenced Licensee to ten days of incarceration in jail.

8. On or about February 6, 2020, Licensee pled guilty in the Circuit Court of Cass County, Missouri, case number 19CA-CR00364-01, to the class D felony of Tampering With Motor Vehicle. Licensee was sentenced to two years of incarceration in prison.

9. Licensee's conduct, as set forth above, constitutes having been found guilty, or entered a plea of guilty or nolo contendere, in criminal prosecutions 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 Chapter 329, RSMo, 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, for which the Board has cause to take disciplinary action against Licensee's cosmetologist operator license pursuant to § 329.140.2(2), RSMo.

10. Cause exists for the Board to take disciplinary action against Licensee's cosmetologist operator license under § 329.140.2(2), 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:

...

(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[.]

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 Chapters 621 and 329, RSMo:

1. Licensee's "Class CA – Hairdressing and Manicuring" operator license, license number 2010039117, shall be placed on **PROBATION** for a period of three (3) years. During Licensee's probation, Licensee shall be entitled to engage in the practice of cosmetology under Chapter 329, RSMo, provided Licensee adheres to all of the terms of this settlement agreement.

2. 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 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.
- C. Licensee shall comply with all provisions of Chapter 329, RSMo, and all Board regulations; 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.

- D. 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.
- E. If at any time during the disciplinary period, Licensee moves from the state of Missouri, ceases to be currently licensed under the provisions of Chapter 329, 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, RSMo.
- F. 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.
- G. 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 revocation.
- H. This Settlement Agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 329, RSMo, by Licensee not specifically mentioned in this document.

3. The parties to this agreement understand that the Missouri Board of Cosmetology and Barber and Examiners will maintain this agreement as an open record of the Board as provided in Chapters 329, 610, and 324, RSMo.

4. 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.

5. 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.

6. Licensee understands that Licensee may, either at the time the Settlement Agreement is signed by all parties or within fifteen (15) days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Licensee's license. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit Licensee's request to: Administrative Hearing Commission, United States Post Office Building, P.O. Box 1557, Jefferson City, Missouri 65102.

7. If Licensee requests review, this Settlement Agreement shall become effective on the date the Administrative Hearing Commission issues its order finding that the Settlement Agreement sets forth cause for disciplining Licensee's license. If Licensee does not request review by the Administrative Hearing Commission, the Settlement Agreement goes into effect 15 days after the document is signed by the Executive Director of the Board.

LICENSEE

Andrea F. Johnson
Andrea Johnson
License Number 2010039117

Date 8/22/2020
August 22nd, 2020

BOARD

Brittany Tomblinson
Brittany Tomblinson, Executive Director
Board of Cosmetology and Barber Examiners

Date 8/31/2020