

SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD OF COSMETOLOGY AND BARBER EXAMINERS AND KC MASTER KUTZ AND CLINTON RISPER, OWNER

Come now KC Master Kutz and Clinton Risper ("Licensees") 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 Licensees' barber establishment license and barber operator license will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,¹ 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 Licensees' licenses, and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo.

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

Licensees acknowledge that Licensees have received a copy of the inspection reports and other documents relied upon by the Board in determining there was cause to discipline Licensees' licenses, along with citations to law and/or regulations the Board believes were violated.

For the purpose of settling this dispute, Licensees stipulate that the factual allegations contained in this Settlement Agreement are true and stipulate with the Board that Licensees' barber establishment license,



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

numbered 2018016578, and barber operator license, numbered 2011004921, are subject to disciplinary action by the Board in accordance with the provisions of Chapters 621, 328 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. Clinton Risper holds a barber operator license, license number 2011004921. The Board originally issued Licensee's barber operator license on February 22, 2011. Licensee's barber operator license was last renewed on May 23, 2024, and has an expiration date of September 30, 2025.

3. Clinton Risper operates a barber establishment, *KC Master Kutz*, located at 8002 North Oak Hwy, Ste. 113, Kansas City, Missouri 64118. Licensee's establishment license number 2018016578 was initially issued on May 17, 2018. Licensee's establishment license was last renewed on August 1, 2023, and has an expiration date of September 30, 2025.

4. On or about November 14, 2023, the Board's inspector conducted an inspection at *KC Master Kutz*. The Board's inspection revealed the following violation, Clinton Risper was providing services, but his operator license was on HB600 suspension, a violation of 20 CSR 2085-10.060(3). On or about December 29, 2023, the Board sent Licensee a violation notice regarding the November 14, 2023, inspection.

5. On or about April 2, 2024, the Board's inspector conducted an inspection at *KC Master Kutz*. The Board's inspection revealed the following violation, Clinton Risper was providing services, but his operator license was on HB600 suspension, a violation of 20 CSR 2085-10.060(3). On or about April 18, 2024, the Board sent Licensee a violation notice regarding the April 2, 2023, inspection.

6. On or about May 10, 2024, the Board's inspector conducted an inspection at *KC Master Kutz*. The Board's inspection revealed the following violation, Clinton Risper was providing services, but his operator license was on HB600 suspension, a violation of 20 CSR 2085-10.060(3). On or about May 22, 2024, the Board sent Licensee a violation notice regarding the May 10, 2023, inspection.

7. On or about June 20, 2024, the Board's inspector conducted an inspection at *KC Master Kutz*. The Board's inspection revealed the following violation, Clinton Risper was providing services, but his operator

license was on HB600 suspension, a violation of 20 CSR 2085-10.060(3). On or about June 28, 2024, the Board sent Licensee a violation notice regarding the June 20, 2023, inspection.

8. Regulation 20 CSR 2085-10.060 states, in relevant part:

(3) Prohibited Practices Within An Establishment. In a licensed establishment, only persons properly licensed by the board shall be allowed to perform barbering, hairdressing, manicuring, or esthetician services on any person within the establishment. The provisions of this section shall apply even if services are being provided for no compensation.

9. Section 324.010, RSMo, states:

All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, sections 214.270 to 214.516, sections 256.010 to 256.453, section 375.014, sections 436.005 to 436.071, and chapter 317 and chapters 324 to 346 shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. The director of revenue shall, within ten business days of notification to the governmental entity issuing the professional license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.

10. As a result of the violations, as described above in paragraphs 4 through 7, Licensees violated Chapter 328, RSMo, and lawful regulations adopted pursuant to Chapters 328 and 329, RSMo, as described above in paragraphs 8 and 9, for which the Board has cause to take disciplinary action against Licensees' barber establishment license and barber operator license.

11. Cause exists for the Board to take disciplinary action against Licensees' barber operator license and barber establishment license under § 328.150.2(6), 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[.]

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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, RSMo:

12. The terms of discipline shall include that the barber establishment license, numbered 2018016578, and barber operator license, numbered 2011004921, be placed on **PROBATION** for a period of three (3) years. During Licensees' probation, Licensees shall be entitled to offer and engage in the practice of barbering under Chapter 328, RSMo, provided Licensees adhere to all of the terms of this Settlement Agreement.

I. SPECIFIC REQUIREMENTS

Licensee Risper shall correct all violations noted in paragraphs 4 through 7 above within thirty (30) days of the effective date of this Settlement Agreement by remedying or making arrangements to remedy such delinquency as required by section 324.010, RSMo.

II. GENERAL REQUIREMENTS

- A. Licensee Risper 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 Risper shall keep the Board apprised of Licensees' current home and work addresses and telephone numbers. Licensee Risper shall inform the Board within ten days of any change of home or work address and home or work telephone number.
- C. Licensee Risper shall comply with all provisions of the Chapters 328 and 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.
- D. During the disciplinary period, Licensee Risper shall timely renew his operator and establishment licenses and timely pay all fees required for licensing and comply with all other board requirements necessary to maintain his licenses in a current and active state.
- E. If at any time during the disciplinary period, Licensee Risper removes himself from the state of Missouri, ceases to be currently licensed under provisions of Chapters 328 and 329, RSMo, or fails to advise the Board of his current place of business and residence, the time of his 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 § 328.150, RSMo.
- F. During the disciplinary period, Licensee Risper shall accept and comply with unannounced visits from the Board's representatives to monitor compliance with the terms and conditions of this Settlement Agreement.
- G. If Licensee Risper 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).

H. 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 Licensees not specifically mentioned in this document.

13. 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 328, 329, 610 and 324, RSMo.

14. 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.

15. Licensees, together with Licensees' heirs and assigns, and Licensee' 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.

16. If no contested case has been filed against Licensees, Licensees have the right, either at the time the settlement agreement is signed by the 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 licenses of the Licensees. If Licensees desire the Administrative Hearing Commission to review this Agreement, Licensees may submit this request to: **Administrative Hearing Commission, United States Post Office Building, 131 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65102-1557.**

17. If Licensees have requested review, Licensees and Board jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensees'

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licenses and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensees' licenses. Effective the date the Administrative Hearing Commission determines that the Agreement sets forth cause for disciplining Licensees' licenses, the agreed upon discipline set forth herein shall go into effect.

LICENSEES

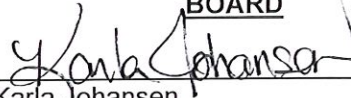


KC Master Kutz
Clinton Risper, Owner/Operator

Date

9/28/24

BOARD



Karla Johansen,
Executive Director
Missouri Board of Cosmetology and Barber Examiners

Date

10/08/2024