

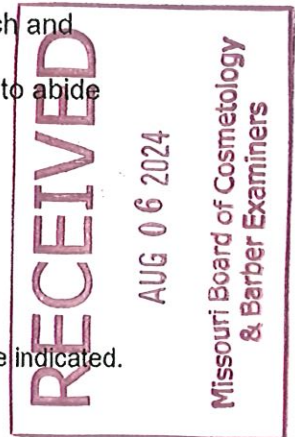
SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD OF COSMETOLOGY AND
BARBER EXAMINERS AND TRISTIN KILLIAN

Come now Tristan Killian ("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 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 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.

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



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 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 license, numbered 2021013685 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, Tristin Killian, holds a Class CA – hairdressing and manicuring license, license number 2021013685. Licensee's operator license was current and active at all times herein.
3. Licensee has been providing cosmetology services at Tristin Killian, as described below, without a current and active establishment license.
4. On or about October 25, 2023, the Board's inspector conducted an inspection of Tristin Killian. Licensee was present at the time of inspection. Tristin Killian was open and offering services. The Board's inspection identified the following violations: there was no current and active establishment license and it was not posted in plain view in violation of § 329.045, RSMo, and 20 CSR 2085-10.010. On or about November 29, 2023, the Board sent Licensee a violation notice.
5. On or about December 13, 2023, the Board's inspector conducted an inspection of Tristin Killian. Licensee was present at the time of inspection. Tristin Killian was open and



offering services. The Board's inspection identified the following violations: there was no current and active establishment license and it was not posted in plain view in violation of § 329.045, RSMo, and 20 CSR 2085-10.010. On or about December 29, 2023, the Board sent Licensee a violation notice.

6. On or about January 31, 2024, the Board's inspector conducted an inspection of Tristin Killian. Licensee was present at the time of inspection. Tristan Killian was open and offering services. The Board's inspection identified the following violations: there was no current and active establishment license and it was not posted in plain view in violation of § 329.045, RSMo, and 20 CSR 2085-10.010. On or about February 20, 2024, the Board sent Licensee a violation notice.

7. On or about April 4, 2024, the Board's inspector conducted an inspection of Tristin Killian. Licensee was present at the time of inspection. Tristan Killian was open and offering services. The Board's inspection identified the following violations: there was no current and active establishment license and it was not posted in plain view in violation of § 329.045, RSMo, and 20 CSR 2085-10.010.

8. Section 329.045, RSMo, states, in relevant part:

1. 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.

9. 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 may take legal action pursuant to Chapter 328 and/or 329, RSMo.

...

(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.

(B) A two inch square (2" x 2") photograph taken within the last five (5) years shall be attached to operator licenses. A two inch square (2" x 2") photograph taken within the last five (5) years shall be attached to apprentice licenses and student temporary permits.

10. As a result of the violations as described above in paragraphs 3 through 7,


Licensee violated chapter 329, RSMo, and lawful regulations adopted pursuant to chapter 329,



Administrative Hearing Commission, United States Post Office Building, P.O. Box 1557,
131 West High St., Jefferson City, MO 65102-1557.

17. 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.

LICENSEE


Tristin Killian

Date 7/22/2024

BOARD


Karla Johansen,
Executive Director
Board of Cosmetology & Barber Examiners

Date 8/8/2024

