

**SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD OF COSMETOLOGY AND
BARBER EXAMINERS AND SARAH LE**

Come now Sarah Le ("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 cosmetology operator license will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo, the parties hereto 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 2000.

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 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.

Pursuant to § 621.045.4(2), RSMo, Licensee shall have sixty (60) days from the date of mailing to consider the Board's settlement offer and respond to the Board to discuss the settlement offer.

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 cosmetology operator license, license number 2012007788, 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 cosmetology operator license issued by the Board, License No. 2012007788. Licensee's Missouri cosmetology operator license was at all times relevant herein, and is now, current and active.

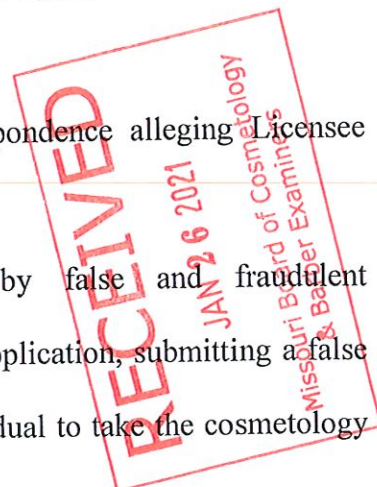
3. The Board issued Licensee her Missouri cosmetology license based on exam score endorsement.

4. On or about March 1, 2012, the Board received a notarized Application for Exam Score Endorsement from Licensee in which Licensee stated that she had received passing scores on the cosmetology written and practical examinations, which is required for an applicant to receive a Missouri cosmetology license based on exam score endorsement.

5. The Board accordingly issued Licensee a cosmetology operator license on or about March 5, 2012.

6. On or about February 6, 2020, the Board received correspondence alleging Licensee fraudulently obtained her Virginia cosmetology operator license.

7. Licensee obtained her Virginia cosmetology license by false and fraudulent misrepresentation by submitting a false application photograph on her application, submitting a false Training Verification Form with her application, allowing another individual to take the cosmetology



practical examination in her place, and allowing another individual to take the cosmetology written examination in her place.

8. Because of her actions taken to fraudulently obtain her Virginia cosmetology license, including allowing another individual to take the licensing examinations, Licensee agreed to a Consent Order whereby she consented to revocation of her Virginia cosmetology license on or about May 21, 2020.

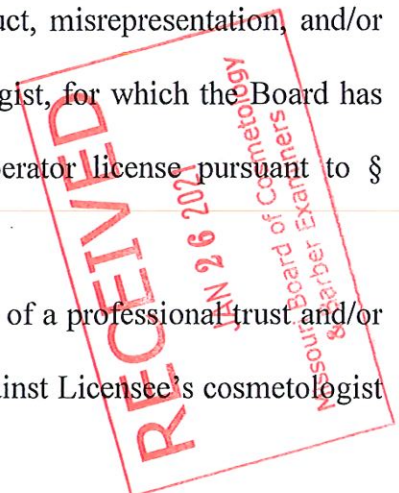
9. To summarize, Licensee has not passed the written and practical cosmetology examinations required for Missouri licensure and, in fact, fraudulently allowed another individual or individuals to take the examinations on her behalf.

10. Licensee's conduct, as set forth above, constitutes the use of fraud, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to Chapter 329, RSMo, for which the Board has cause to take disciplinary action against Licensee's cosmetologist operator license pursuant to § 329.140.2(3), RSMo.

11. Licensee's conduct, as set forth above, constitutes obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception, or misrepresentation, for which the Board has cause to take disciplinary action against Licensee's cosmetologist operator license pursuant to § 329.140.2(4), RSMo.

12. Licensee's conduct, as set forth above, constitutes misconduct, misrepresentation, and/or dishonesty in the performance of the functions or duties of a cosmetologist, for which the Board has cause to take disciplinary action against Licensee's cosmetologist operator license pursuant to § 329.140.2(5), RSMo.

13. Licensee's conduct, as set forth above, constitutes a violation of a professional trust and/or confidence, for which the Board has cause to take disciplinary action against Licensee's cosmetologist operator license pursuant to § 329.140.2(13), RSMo.



14. Cause exists for the Board to take disciplinary action against Licensee's cosmetology operator license under § 329.140.2 (3), (4), (5), and (13) 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:

...

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

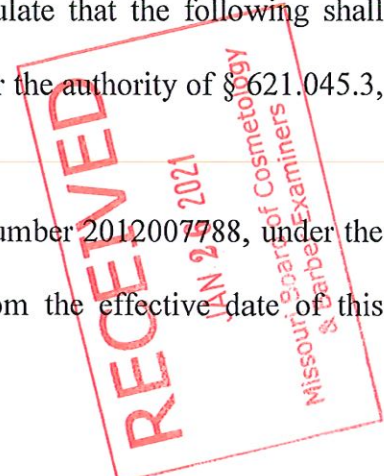
...

(13) Violation of any professional trust or confidence[.]

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:

15. Licensee agrees to surrender to the Board her license, number 2012007788, under the terms and conditions set forth herein, no later than five (5) days from the effective date of this



settlement agreement. This settlement agreement shall become effective on the date as set forth in paragraph (21) below.

16. Licensee understands that the Board is offering this settlement agreement in lieu of further discipline beyond the voluntary surrender, but understands that continued or future violations of Board licensing statutes and rules could result in additional Board action by requesting the Attorney General to seek relief in the Board's name.

17. 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.

18. 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.

19. 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

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& Barber Examiners

even in the event that any court of law deems this settlement agreement or any portion thereof to be void or unenforceable.

20. 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, P.O. Box 1557, United States Post Office Building, Third Floor, 131 West High Street, Jefferson City, Missouri 65102.**

21. 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 act and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. 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 shall become effective fifteen (15) days after the document is signed by the Executive Director of the Board.

LICENSEE

Sarah Le

Date

01/22/21

BOARD

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

Date 1/26/2021

