

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

STATE BOARD OF COSMETOLOGY)	
AND BARBER EXAMINERS,)	
)	
Petitioner,)	
)	
v.)	Case No. 16-3766
)	
KARI MONTGOMERY,)	
)	
Respondent.)	

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

On or about January 23, 2017, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Board of Cosmetology and Barber Examiners v. Kari Montgomery*, Case No. 16-3766. In that Default Decision, the Administrative Hearing Commission found that Respondent Kari Montgomery’s “Class CA – hairdressing and manicuring” license (license number 2001013600) and cosmetology establishment license (license number 2008037650) were subject to disciplinary action by the Missouri Board Cosmetology and Barber Examiners (“Board”) pursuant to § 329.140.2(5), (6), (12), and (13), RSMo.¹

The Board has received and reviewed the record of the proceedings before the Administrative Hearing Commission, including the properly pled complaint filed before the Administrative Hearing Commission on November 15, 2016 and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission, including the properly pled complaint and Default Decision, is incorporated herein by reference in its entirety.

Pursuant to notice and § 621.110 and § 329.140.3, RSMo, the Board scheduled a hearing to be held on November 13, 2017, at approximately 9:00 a.m. at the Division of Professional

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

Registration Building, 3605 Missouri Boulevard, Jefferson City, Missouri 65109, for the purpose of determining the appropriate disciplinary action against Respondent's license. At the November 13, 2017 disciplinary hearing, the Board was represented by attorney Jamie J. Cox. Despite proper and timely notice, Respondent was not present for the hearing and was not represented by counsel. After being present and considering all of the evidence presented during the hearing, the Board issues the following Findings of Facts, Conclusions of Law and Order

Based upon the foregoing the Board hereby states:

I.

FINDINGS OF FACT

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo, for the purpose of licensing all persons engaged in the practice of barbering and cosmetology in this state. The Board has control and supervision of the licensed occupations and enforcement of the terms and provisions of Chapters 328 and 329, RSMo.

2. Respondent holds a "Class CA - hairdressing and manicuring" license (license number 2001013600). Respondent's "Class CA - hairdressing and manicuring" license was not at all times relevant herein, and is now, suspended by operation of law pursuant to section 324.010, RSMo.

3. Respondent operates a cosmetology establishment, license number 2008037650, doing business as *Hair We Do*, located at 1012 Rebecca, Oran, Missouri 63771. Respondent's establishment license expired on or about September 30, 2016, and it remained expired until it was reinstated by Respondent on or about September 15, 2016. Respondent's license is now current and active.

4. The Board hereby adopts and incorporates by reference the properly pled complaint and Default Decision of the Administrative Hearing Commission in *Missouri Board of Cosmetology and Barber Examiners v. Kari Montgomery*, Case No. 16-3766, in its entirety. In that

Default Decision the Administrative Hearing Commission determined that the Board filed a properly pled complaint before the Administrative Hearing Commission on or about November 15, 2016, that Respondent was personally served with the complaint and that Respondent never filed an answer or otherwise responded to the complaint.

5. In its Default Decision, the Administrative Hearing Commission determined there was cause to discipline Respondent's license pursuant to § 329.140.2(5), (6), (12), and (13), RSMo, as established in the properly pled complaint, as a result of Respondent providing and/or offering to provide cosmetology services at *Hair We Do* while Respondent's establishment license was expired and the expired license posted and while Respondent's operator license was suspended and the suspended operator license was posted, violations of section 329.030, RSMo. And 329.045, RSMo, 20 CSR 2085-10.010, and 20 CSR 2085-10.060.

6. The Board set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion.

II.

CONCLUSIONS OF LAW

7. This Board has jurisdiction over this proceeding pursuant to §§ 621.110 and 329.140.3, RSMo.

8. The Board expressly adopts and incorporates by reference the properly pled complaint and the Default Decision issued by the Administrative Hearing Commission on January 23, 2017, in *Missouri Board of Cosmetology and Barber Examiners v. Kari Montgomery*, Case No. 16-3766, and hereby enters its Conclusions of Law consistent therewith.

9. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision on January 23, 2017, Respondent's "Class CA - hairdressing and manicuring" license (license number 2001013600) and cosmetology establishment license (license

number 2008037650) were subject to disciplinary subject to disciplinary action by the Board pursuant to § 329.140.2(5), (6), (12), and (13), RSMo.

10. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

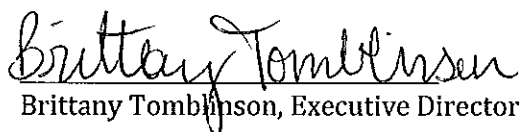
ORDER

Having fully considered all the evidence before the Board, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Board that Respondent's "Class CA - hairdressing and manicuring" license (license number 2001013600) and cosmetology establishment license (license number 2008037650) are hereby **REVOKED** from the effective date of this Order. Upon receipt of this Order, Respondent shall immediately return all evidence of licensure to the Board.

11. The Board will maintain this Order as an open record of the Board as provided in Chapters 328, 329, 610, and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 5 DAY OF March, 2018.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS


Brittany Tomblinson, Executive Director



2001013600

Jeremiah W. (Jay) Nixon
Governor
State of Missouri

Kathleen (Katie) Steele Danner, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
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John M. Huff, Director

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Emily R. Carroll
Executive Director

June 28, 2016

Kari Montgomery
103 N Missouri
Oran, MO 63771

Dear Kari Montgomery:

The Missouri Department of Revenue has notified this agency that despite multiple notices of imminent suspension you are still not in compliance with section 324.010 RSMo., which requires the suspension of the professional license of individuals who have failed to file state tax returns and/or pay their state tax liabilities.

By law, your license was suspended on June 29, 2016.

The continued practice of your profession with a suspended license subjects you to criminal and administrative penalties. You must not practice your profession until **after** you receive a letter of compliance from the Department of Revenue **and complete our reinstatement requirements**. You are still subject to the statutes and rules regulating your profession. You must return your license to this office within ten days of the date this letter was mailed. You must inform us of any change of address, pay your renewal fees, and maintain continuing education requirements, or your license is subject to lapse or further discipline, up to and including revocation.

The first step to reinstate your license is to obtain a letter of tax compliance from the Department of Revenue. You can reach the Department of Revenue at (573)751-7200.

Sincerely,
Board of Cosmetology and Barber Examiners

Emily R. Carroll

Emily R. Carroll
Executive Director
ERC/bt