

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

BOARD OF COSMETOLOGY)	
AND BARBER EXAMINERS,)	
)	
Petitioner,)	
)	
v.)	
)	License No. 2005014350
KEVIN RHODES,)	
)	
Respondent.)	

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

On September 28, 2020, the Missouri Board of Cosmetology and Barber Examiners took up for hearing the Probation Violation Complaint filed on June 22, 2020 alleging that Kevin Rhodes violated the terms and conditions of probation as set forth in the “Settlement Agreement between Missouri Board of Cosmetology and Barber Examiners and Kevin Rhodes” (the “Settlement Agreement”) with an effective date of November 18, 2019.

The Board timely set this matter for hearing and properly served upon Respondent Kevin Rhodes notice of the time, date and location of the hearing.

Pursuant to notice, the Board held a probation violation hearing on September 28, 2020 for the purpose of determining whether Rhodes had violated the terms and conditions of probation as set forth in the Settlement Agreement and to determine if additional discipline was appropriate as authorized by Section 324.042, RSMo, against the Barber license held by Rhodes. The Board

began the hearing at approximately 3:17 p.m. Ms. Jamie Cox appeared as counsel on behalf of the Board. Respondent Kevin Rhodes did not appear either personally or by counsel.

After full review of the record and the evidence and testimony presented at hearing, the Board issues this Findings of Fact, Conclusions of Law and Disciplinary Order:

Findings of Fact and Conclusions of Law

1. Rhodes failed to file an answer to the Complaint and he failed to appear; therefore, the Board finds Rhodes to be in default per Section 324.045, RSMo.

2. The Board is an agency of the State of Missouri, created and existing pursuant to Section 329.015, RSMo, for the purpose of carrying out the provisions of Chapters 328 and 329, RSMo.

3. The Board has jurisdiction over this proceeding pursuant to Section 324.042, RSMo and paragraph 12.II. G. of the Settlement Agreement.

4. Rhodes holds Barber license number 2005014350 that is and was current and active at all times relevant to this proceeding, but subject to probation per the Settlement Agreement.

5. Paragraph 12.I.A of the Settlement Agreement sets forth the condition of probation that “Licensee shall obtain an establishment license within thirty (30) days of the effective date of this settlement agreement.”

6. Paragraph 12.II. C. of the Settlement Agreement sets forth the condition of probation that “Licensee shall comply with all provisions of the Chapters 328, RSMo. . . .”

7. Paragraph 12.II.D of the Settlement Agreement sets forth the condition of probation that “During the disciplinary period, Licensee shall timely renew Licensee’s licenses and timely pay all fees required for licensing and comply with all other board requirements necessary to maintain Licensee’s licenses in a current and active state.”

8. Paragraph 12.II.G. of the Settlement Agreement sets forth the condition of probation that “If Licensee fail 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).”

9. The Board conducted inspections at 2325 Hord Avenue, Saint Louis, Missouri 63136 on December 10, 2019, on January 30, 2020, on March 6, 2020 on June 10, 2020, on July 8, 2020, on August 20, 2020, and on September 22, 2020.

10. After each inspection, the Board sent Licensee a violation notice, but the violations were not remedied.

11. At each of the Board’s inspections referenced above, the Board’s inspector observed Licensee providing barber services with a posted, but expired, Barber license and without a current establishment license all in violation of 20 CSR 2085-10.010, 20 CSR 2085-10.060, 20 CSR 2085-5.040(2) and Sections 328.020 and 328.115, RSMo, and in violation of paragraphs 12.II. C, D, and G of the Settlement Agreement.

12. Licensee failed to obtain an establishment license at any time since the effective date of the Settlement Agreement in violation of paragraph 12.I.A. of the Settlement Agreement.

13. The Board finds that Licensee failed to comply with the conditions of his probation in the Settlement Agreement and thus is in violation of his probation.

14. The Board finds that this Order is necessary to protect the public.

THEREFORE, having fully considered the evidence before the Board orders that probation as set forth in the Settlement Agreement is hereby revoked and enters this Order in its place. The Barber license held by Rhodes is hereby **SUSPENDED** for **THREE YEARS OR UNTIL LICENSEE OBTAINS AN ESTABLISHMENT LICENS, WHICHEVER OCCURS**

FIRST, and then immediately placed on **PROBATION** for a period of **FIVE (5) YEARS** from the date of this Order (the “Disciplinary Period”). During the suspension portion of the Disciplinary Period, Licensee shall not be entitled to practice as a Barber. During the probation portion of the Disciplinary Period, Licensee shall be entitled to work as a barber, subject to compliance with this Order.

Terms and Conditions of the Disciplinary Period

15. Licensee shall comply with the following terms and conditions during the Disciplinary Period:

- a. If licensee obtains employment such that an establishment license is not required, he may file a written request to the Board to lift the suspension portion of the Disciplinary Period;
- b. 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;
- c. Licensee shall keep the Board informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Board in writing within ten (10) business days of any change in this information. If Licensee utilizes e-mail, Licensee shall provide the Board with his current and active e-mail address;
- d. Licensee shall comply with all provisions of Chapter 328, RSMO, and its regulations, and all state and federal criminal laws and all state and federal laws related to the practice of barbering including compliance with state revenue laws;
- e. Licensee shall engage in no conduct that would give the Board cause to seek authority to discipline from the Administrative Hearing Commission;

- f. Upon the request of the Board or its representative, Licensee shall immediately submit any and all records requested to show compliance with these terms and conditions;
- g. Licensee shall renew timely all licenses, shall pay timely all fees required for licensure and shall meet all other requirements necessary to maintain all licenses issued by the Board current and active including not allowing any license to be suspended for failure to comply with the revenue laws of the state and also including timely completion of all required continuing professional education; and
- h. Licensee shall accept and comply with unannounced visits from the Board or its representatives to monitor Licensee's compliance with these terms and conditions.

16. Upon the expiration of the Disciplinary Period and successful completion of the Disciplinary Period, Licensee's license shall be fully restored if all other requirements of the law have been satisfied; provided however, that in the event the Board determines that Licensee has violated any term or condition of this Order, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may impose additional probation, suspend, revoke, or otherwise lawfully discipline Licensee's license.

17. The Board shall enter no order imposing further discipline on Licensee's license without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 536, RSMo, however nothing in this Order shall prohibit Licensee and the Board from entering into a written agreement to modify any term of this Order, including the discipline imposed and/or the conditions of the Disciplinary Period.

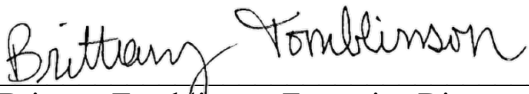
18. If the Board determines that Licensee has violated a term or condition of this Order, and that violation would also be actionable in a proceeding before the Administrative Hearing

Commission or in a circuit court, the Board may elect to pursue any lawful remedies or procedures afforded to it and is not bound by this Order in its determination of appropriate legal actions concerning such violation(s).

19. If any alleged violation of this Order occurs during the Disciplinary Period, the Board may choose to conduct a hearing on the alleged violation either during the Disciplinary Period, or as soon thereafter as a hearing can be held, to determine whether a violation of the terms and conditions of the Disciplinary Period occurred and, if so, may impose further discipline on the license of Licensee. The Board has continuing jurisdiction to hold a hearing determine if a violation of the terms and conditions of the Disciplinary Period occurred.

20. This Order shall be maintained as an open and public record of the Board as provided in Chapters 328, 610 and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 14th DAY OF October, 2020.



Brittany Tomblinson, Executive Director
Board of Cosmetology and Barber Examiners