



I.

**FINDINGS OF FACT**

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo,<sup>1</sup> 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. On or about June 19, 2017, Rogers applied for a cosmetology student license to enroll at Elaine Steven Beauty College, 10420 West Florissant, St. Louis, Missouri.

3. On her application, Rogers answered “yes” to the question “Have you been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution in this state or of the United States, whether or not sentence was imposed?”

4. With her application, Rogers provided a statement regarding her criminal background. She described her troubled and painful youth. She stated she “had so much hurt and pain in [her] heart but for some strange reason [she] refused to give up.” She stated that she “ended up getting hooked on drugs and becoming this person that I didn’t really know.” She stated that she made “plenty of bad decisions, but I am no bad person.”

5. A review of Rogers’s criminal history reveals that:

- a. On or about October 3, 2003, Rogers pled guilty to the misdemeanor of Criminal Trespass in the Circuit Court of Davidson County, Tennessee, case number SC572451. The Court sentenced Rogers to one day in jail.

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

- b. On or about October 25, 2003, Rogers pled guilty to the misdemeanor of Criminal Trespass in the Circuit Court of Davidson County, Tennessee, case number SC528547. The Court sentenced Rogers to 30 days in jail.
- c. On or about September 17, 2003, Rogers pled guilty to the misdemeanor of prostitution in the Circuit Court of Davidson County, Tennessee, case number GS144531. The Court sentenced Rogers to 90 days in jail.
- d. On or about September 17, 2003, Rogers pled guilty to the misdemeanor of Evading Arrest in the Circuit Court of Davidson County, Tennessee, case number GS144532. The Court sentenced Rogers to 90 days in jail.
- e. On or about September 17, 2003, Rogers pled guilty to the misdemeanor of Resisting Arrest in the Circuit Court of Davidson County, Tennessee, case number GS144533. The Court sentenced Rogers to 90 days in jail.
- f. On or about September 17, 2003, Rogers pled guilty to the misdemeanor of Possession or Casual Exchange in the Circuit Court of Davidson County, Tennessee, case number GS144534. The Court sentenced Rogers to 90 days in jail.
- g. On or about October 25, 2003, Rogers pled guilty to the misdemeanor of Criminal Impersonation in the Circuit Court of Davidson County, Tennessee, case number GS149179. The Court sentenced Rogers to 30 days in jail.
- h. On or about October 25, 2003, Rogers pled guilty to the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson County, Tennessee, case number GS149180. The Court sentenced Rogers to 30 days in jail and a fine of \$150.00.

- i. On or about April 16, 2014, Rogers pled guilty to the felony of Unauthorized Use of a Motor Vehicle – Joyriding in the Circuit Court of Davidson County, Tennessee, case number GS169140. The Court sentenced Rogers to 11 months and 29 days in jail but suspended the sentence for all but 30 days.
- j. On or about September 27, 2005, Rogers pled guilty to the misdemeanor of Criminal Trespass in the Circuit Court of Davidson County, Tennessee, case number SC634985. The Court sentenced Rogers to time served.
- k. On or about September 27, 2005, Rogers pled guilty to the misdemeanor of Prostitution in the Circuit Court of Davidson County, Tennessee, case number GS238178. The Court sentenced Rogers to 45 days in jail.
- l. On or about September 27, 2005, Rogers pled guilty to the misdemeanor of Possession or Casual Exchange in the Circuit Court of Davidson County, Tennessee, case number SC634984. The Court sentenced Rogers to 45 days in jail.
- m. On or about December 5, 2005, Rogers pled guilty to the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson, County, Tennessee, case number GS247033. The Court sentenced Rogers to 20 days in jail and a \$150.00 fine.
- n. On or about December 5, 2005, Rogers pled guilty to the misdemeanor of Prostitution in the Circuit Court of Davidson County Tennessee, in case number GS247032. The Court sentenced Rogers to 20 days in jail.

- o. On or about December 29, 2005, Rogers pled guilty to the misdemeanor of Prostitution in the Circuit Court of Davidson County, Tennessee, case number GS250681. The Court sentenced Rogers to 45 days in jail.
- p. On or about July 28, 2006, Rogers pled guilty to the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson County, Tennessee, case number GS279834. The Court sentenced Rogers to 12 days in jail and a \$150.00 fine.
- q. On or about July 28, 2006, Rogers pled guilty to the misdemeanor of Theft under \$500 in the Circuit Court of Davidson County, Tennessee, case number GS279835. The Court sentenced Rogers to 12 days in jail.
- r. On or about August 11, 2006, Rogers pled guilty to the felony of Aggravated Criminal Trespass in the Circuit Court of Davidson County, Tennessee, case number GS281527. The Court sentenced Rogers to 11 months and 29 days in jail but suspended all but 90 days of the sentence.
- s. On or about December 28, 2006, Rogers pled guilty to the misdemeanor of Possession or Casual Exchange in the Circuit Court of Davidson County, Tennessee, case number GS302608. The Court sentenced Rogers to 30 days in jail.
- t. On or about December 28, 2006, Rogers pled guilty to the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson County, Tennessee, case number GS302609. The Court sentenced Rogers to 30 days in jail and a \$150.00 fine.

- u. On or about May 24, 2007, Rogers pled guilty to the misdemeanor of Peddling or Solicitation in the Circuit Court of Davidson County, Tennessee, case number GS325455. The Court sentenced Rogers to time served.
- v. On or about May 22, 2008, Rogers pled guilty to the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson County, Tennessee, case number GS381033. The Court sentenced Rogers to ten days in jail and a \$150.00 fine.
- w. On or about July 7, 2008, Rogers pled guilty to the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson County, Tennessee, case number GS388060. The Court sentenced Rogers to 10 days in jail and a \$150.00 fine.
- x. On or about July 24, 2008, Rogers pled guilty to the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson County, Tennessee, case number GS391066. The Court sentenced Rogers to 20 days in jail and a \$150.00 fine.
- y. On or about September 15, 2008, Rogers pled guilty to the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson County, Tennessee, case number GS399174. The Court sentenced Rogers to 90 days in jail and a \$150.00 fine.
- z. On or about November 20, 2008, Rogers pled guilty to the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson County, Tennessee, case number SC854783. The Court sentenced Rogers to 11 months and 29 days in jail and a \$150.00.

- aa. On or about November 26, 2008, Rogers pled guilty to the misdemeanor of Possession or Casual Exchange in the Circuit Court of Davidson County, Tennessee, case number GS411056. The Court sentenced Rogers to 90 days in jail and a \$750.00 fine.
- bb. On or about March 31, 2009, Rogers pled guilty to the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson County, Tennessee, case number GS431087. The Court sentenced Rogers to 30 days in jail and a \$150.00 fine.
- cc. On or about June 16, 2009, Rogers pled guilty to the felony of Sale of Controlled Substance less than .5 grams Cocaine in the Circuit Court of Davidson County, Tennessee, case number 2009-I-696. The Court sentenced Rogers to three years' incarceration but suspended the sentence and placed Rogers on three years' supervised probation and ordered court costs of \$1,160.65.
- dd. On or about December 17, 2009, Rogers pled guilty to the felony of Sale of Controlled Substance less than .5 grams Cocaine in the Circuit Court of Davidson County, Tennessee, case number 2009-I-696. The Court revoked Rogers' probation and instituted the three years' incarceration sentenced ordered June 6, 2009 in the same case.
- ee. On or about December 9, 2009, Rogers pled guilty to two counts of the felony of Counterfeit Controlled Substance and the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson County, Tennessee, case number 2009-I-1539. The Court sentenced Rogers to one year in jail consecutive to case number 2009-I-696 and ordered a drug court referral.

- ff. On or about August 19, 2011, Rogers pled guilty to the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson County, Tennessee, case number SC994041. The Court sentenced Rogers to 8 days in jail.
- gg. On or about November 1, 2016, Rogers pled guilty to the misdemeanor of Unlawful Use of Drug Paraphernalia in the Circuit Court of Davidson County, Tennessee, case number SCE230490. The Court sentenced Rogers to time served, a \$150.00 fine and \$815.65 in court costs.

## II.

### CONCLUSIONS OF LAW

6. The Board has authority to deny or refuse a license application pursuant to § 329.140.1, RSMo, which provides:

The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

7. The Board has cause to deny or refuse Rogers' application for a cosmetology student license pursuant to § 329.140.2, RSMo, which provides:

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:

- ...
- (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which

is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed[.]

8. As a result of Rogers' actions as set forth in paragraphs 2 through 5 above, the Board has cause to deny or refuse Rogers' application for a cosmetology student license pursuant to § 329.140.1, RSMo, and § 329.140.2(2), RSMo.

9. As an alternative to refusing to issue a license, the Board may, at its discretion, issue a license subject to probation, pursuant to § 324.038, RSMo, which provides:

Whenever a board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

10. The Board issues this Order in lieu of denial of Rogers' application for a cosmetology student license. The Board has determined that this Order is necessary to ensure the protection of the public.

### III.

#### ORDER

11. Based on the foregoing, Anika N. Rogers is granted a cosmetology **student license**, which is hereby placed on **PROBATION** for the period during which she is enrolled in cosmetology school and receiving training hours, not to exceed five (5) years from the effective date of this Order. During the aforementioned probation, Anika N. Rogers shall be entitled to enroll as a cosmetology student subject to the following terms and conditions.

#### IV.

#### TERMS AND CONDITIONS

12. During the aforementioned probation, Anika N. Rogers, shall be entitled to enroll as a cosmetology student subject to the following terms and conditions:
- A. During the disciplinary period, Applicant shall comply with all provisions of Chapter 329, RSMo, all applicable board regulations, all applicable federal and state drug laws, rules and regulations and all applicable federal and state criminal laws. "State" includes the state of Missouri, all other states and territories of the United States, and the ordinances of their political subdivisions.
  - B. During the disciplinary period, Applicant shall keep the Board informed of Applicant's current work and home telephone numbers. Applicant shall notify the Board in writing within ten days (10) of any change in this information.
  - C. During the probationary period, Applicant shall accept and comply with unannounced visits from the Board's representatives to monitor compliance with the terms and conditions of this Order.
  - D. During the disciplinary period, Applicant shall appear in person for interviews with the Board or its designee upon request.
  - E. Applicant shall submit written reports to the Board on or before January 1 and July 1 during each year of the probationary period stating truthfully whether there has been compliance with all terms and conditions of this Order. The first such report shall be received by the Board on or before January 1, 2018.
  - F. If, at any time during the probationary period, Applicant changes Applicant's address from the state of Missouri, or ceases to maintain Applicant's cosmetology student license current or active under the provisions of Chapter 329, RSMo, or fails to keep the Board advised of all current places of residence, the time of such absence, unlicensed or inactive status, or unknown whereabouts shall not be deemed or taken to satisfy any part of the probationary period.
  - G. The Board retains jurisdiction to hold a hearing at any time to determine if a violation of this Order has occurred and, if a violation of this Order has occurred, may seek to amend this Order or impose further disciplinary or appropriate action at the discretion of the Board. No order shall be entered by the Board pursuant to this paragraph without any required notice and opportunity for a hearing before the Board as provided by Chapter 536, RSMo.
  - H. Unless otherwise specified by the Board, all reports, documentation, notices, or other materials required to be submitted to the Board shall be forwarded to: Missouri State

Board of Cosmetology and Barber Examiners, P.O. Box 1062, Jefferson City, Missouri 65102.

I. Any failure by Applicant to comply with any condition of discipline set forth herein constitutes a violation of this Order.

13. This Order does not bind the Board or restrict the remedies available to it concerning any violation by Applicant of the terms and conditions of this Order, Chapter 329, RSMo, or the regulations promulgated thereunder.

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

SO ORDERED, EFFECTIVE THIS 27<sup>th</sup> DAY OF JULY, 2017.

MISSOURI STATE BOARD OF COSMETOLOGY  
AND BARBER EXAMINERS

  
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Emily Carroll, Executive Director