

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

In the Matter of the Application of)
)
BARBARA SWEITZER)
)
Applicant.)

**ORDER OF THE MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS ISSUING A PROBATIONARY
“CLASS MO – MANICURIST” OPERATOR LICENSE TO
BARBARA SWEITZER**

The Missouri State Board of Cosmetology and Barber Examiners (“Board”) hereby issues its **ORDER** granting a **PROBATIONARY “CLASS MO – MANICURIST” OPERATOR LICENSE**, License No. 2022041632, to Barbara Sweitzer (hereafter, “Applicant”), pursuant to the provisions of § 324.038, RSMo.¹ As set forth in § 324.038.2, RSMo, Applicant may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Board’s decision to issue a probated operator license. Such written request must be filed with the Administrative Hearing Commission within 30 days of delivery or mailing of this Order of the Board. The written request should be addressed to the **Administrative Hearing Commission, United States Post Office Building, 131 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65102-1557**. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the Board’s decision shall be considered waived. Should Applicant file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless or until such time as the Administrative Hearing Commission issues an Order to the contrary.

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

I.

Based upon the foregoing, the Board hereby states:

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. Applicant currently resides at 22120 Scott Avenue, Warsaw, Missouri 65355.

3. On or about June 21, 2022, Applicant applied for examination for a “Class MO – manicurist” operator license.

4. Applicant holds training hours in the State of Arizona. Applicant submitted a Missouri Manicurist Training Affidavit reflecting 605.42 total subject hours obtained at Flores Institute of Nail Design, 2025 S. Alma School Road, Suite 1, Mesa, Arizona 85210.

5. A submitted an Arizona Barbering and Cosmetology Board Certification of Student Hours, which reflects that Applicant attended Flores Institute of Nail Design, February of 2022 through May of 2022, during which Applicant studied “Nail Technology”. Applicant is noted to have graduated, amassing 605.42 hours.

6. Applicant indicated on her application that she had a criminal history to report and submitted documentation regarding her criminal history.

7. On or about July 31, 2020, Applicant entered a guilty plea to the charge of Disorderly Conduct – Fighting, in the Goodyear Municipal Court, State of Arizona, Case Number CM-201800676.

8. On or about February 7, 2020, Applicant entered a guilty plea to the charge of DUI Extreme Blood Alcohol Content.15-.19 – 1st, in the Goodyear Municipal Court, State of Arizona, Case Number TR-201801039.

II.

CONCLUSIONS OF LAW

9. The Board has authority to deny or refuse a license application pursuant to § 329.140, RSMo, which provides in relevant part:

1. 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 the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

10. The Board has cause to deny or refuse Applicant's application for a "Class MO - manicurist" license pursuant to § 329.140, RSMo, which provides in relevant part:

...

2. 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:

...

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state[.]

11. As a result of Applicant's conduct as stated in paragraphs 7 through 8 above, the Board has cause to deny or refuse Applicant's application for a "Class MO – manicurist" operator license pursuant to §§ 329.140.1 and 329.140.2(8), RSMo.

12. As an alternative to refusing to issue a license, the Board may, at its discretion, issue a license subject to probation, pursuant to § 324.038.1, 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.

13. The Board issues this Order in lieu of denial of Applicant's application for a "Class MO – manicurist" operator license. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

14. Based on the foregoing, Applicant, Barbara Sweitzer is granted a "Class MO – manicurist" operator license, which is hereby placed on **PROBATION** for a period three (3) years, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

15. During the aforementioned probation, Applicant shall be entitled to a "Class MO – manicurist" operator license 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 her current work and home telephone numbers and email address(es), if any. Applicant shall notify the Board in writing within ten days (10) of any change in this information.
- C. During the probationary period, Applicant shall timely renew her "Class MO – manicurist" operator license granted hereby and shall timely pay all fees required for licensure and comply with all other Board requirements necessary to maintain said license in a current and active state.
- D. 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.
- E. During the disciplinary period, Applicant shall appear in person for interviews with the Board or its designee upon request.
- F. If, at any time during the probationary period, Applicant changes her address from the state of Missouri, or ceases to maintain her "Class MO – manicurist" operator 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.

16. 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, Chapters 324 and 329, RSMo, or the regulations promulgated thereunder.

17. 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 2ND DAY OF November, 2022.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS



Karla Johansen, Executive Director