

I.

FINDINGS OF FACT

1. The Board is an agency of the state of Missouri created and established pursuant to § 329.015, RSMo,¹ 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 May 10, 2019, Turner applied for a cosmetology student license to enroll at Academy of Hair Design, Inc 1834 S. Glenstone Avenue, Springfield, Missouri 65804.
3. On her application, Turner 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, Turner provided a statement about her criminal history and intent to practice cosmetology.
5. A review of Turner’s criminal history reveals that:
 - a. On or about November 16, 2004, Turner pled guilty in the Circuit Court of Barry County, Missouri, case number 39R020400299, to the class D felony of Unlawful Use of A Weapon. The Court sentenced Turner to three years’ incarceration but suspended the execution of sentence and placed Turner on four years’ probation. On April 19, 2005, the Court revoked Turner’s probation and executed the three year incarceration sentence.
 - b. On or about July 25, 2006, Turner pled guilty in the Circuit Court of Stone County, Missouri, case number 05SN-CR00967, to the class A misdemeanor of

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

Theft/Stealing, Value of Property less than \$500. The Court sentenced Turner to 90 days in jail but suspended the execution of sentence and placed Turner on one year unsupervised probation which the Court determined was “unsuccessfully completed.”

- c. On or about October 9, 2009, Turner pled guilty in the Circuit Court of Christian County, Missouri, case number 080864064, to the class C misdemeanor of Exceeded Posted Speed Limit (11-15 mph). The Court sentenced Turner to a \$55.50 fine.
- d. On or about February 23, 2011, Turner pled guilty in the Circuit Court of Greene County, Missouri, case number 1131-CR00680, to the class A misdemeanor of Leaving the Scene of Motor Vehicle Accident. The Court sentenced Turner to 90 days in jail but suspended the execution of sentenced and placed Turner on two years’ unsupervised probation.
- e. On or about August 16, 2012, Turner pled guilty in the Circuit Court of Greene County, Missouri, case number 1131-CR05976, to the class A misdemeanor of Operating a Motor Vehicle on the Highway While Driving Privileges Suspended. The Court sentenced Turner to 180 days in jail but suspended the execution of sentenced and placed Turner on two years’ unsupervised probation.
- f. On or about December 17, 2012, Turner pled guilty in the Circuit Court of Greene County, Missouri, case number 1231-CR06583, to the unclassified misdemeanor of Driving While Revoked/Suspended – 1st Offense. The Court sentenced Turner to 180 days in jail but suspended the execution of sentence and placed Turner on two years’ unsupervised probation and ordered a fine of \$150.00.

- g. On or about January 30, 2013, Turner pled guilty in the Circuit Court of Greene County, Missouri, case number 1231-CR01120-01, to the class C felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana. The Court sentenced Turner to five years' incarceration in Missouri Department of Corrections as a prior and persistent offender and required institutional treatment pursuant to section 559.115, RSMo. On or about July 1, 2013, the Court released Turner on five years' probation pursuant to section 559.115, RSMo. On or about December 21, 2015, the Court revoked Turner's probation and executed the five year incarceration sentence.
- h. On or about October 30, 2014, Turner pled guilty in the Circuit Court of Greene County, Missouri, case number 1431-CR05189, to Driving While Revoked/Suspended – 2nd or 3rd Offense. The Court sentenced Turner to 180 days in jail but suspended the execution of sentence and placed her on two years' unsupervised probation. On February 18, 2016, the Court revoked her probation and executed to 180 day jail sentence.
- i. On or about October 15, 2015, Turner pled guilty in the Circuit Court of Greene County, Missouri, case number 1531-CR01250, to the class B misdemeanor of DWI – Drug Intoxication. The Court sentenced Turner to 170 days in jail.
- j. On or about February 10, 2016, Turner pled guilty in the Circuit Court of Greene County, Missouri, case number 1431-CR05918-01, to the class C felony of Assault – 2nd Degree. The Court sentenced Turner to seven years' incarceration in Missouri Department of Corrections, identifying Turner as a prior and persistent offender.

- k. On or about February 10, 2016, Turner pled guilty in the Circuit Court of Greene County, Missouri, case number 1431-CR07022-01, to the class C felony of Tampering With Motor Vehicle – First Degree. The Court sentenced Turner to seven years' incarceration in Missouri Department of Corrections.

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 Turner's 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 Turner's actions as set forth in paragraphs 2 through 5 above, the Board has cause to deny or refuse Turner's 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 Turner's 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, Tara L. Turner 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. During the aforementioned probation, Tara L. Turner 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, Tara L. Turner, 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. 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.
- F. 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.
- G. 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.
- H. 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 5TH DAY OF AUGUST, 2019.

MISSOURI STATE BOARD OF COSMETOLOGY
AND BARBER EXAMINERS


Brittany Tomblinson, Executive Director



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