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**Rules of  
Department of Commerce and  
Insurance**

**Division 2085—Board of Cosmetology and Barber  
Examiners**

**Chapter 2—Public Complaint Handling and  
Disposition Procedures**

Title	Page
20 CSR 2085-2.010	Public Complaint Handling and Disposition Procedures.....3



**Title 20—DEPARTMENT OF  
COMMERCE AND INSURANCE  
Division 2085—Board of Cosmetology  
and Barber Examiners  
Chapter 2—Public Complaint Handling  
and Disposition Procedures**

**20 CSR 2085-2.010 Public Complaint  
Handling and Disposition Procedures**

*PURPOSE:* This rule establishes a procedure for the receipt, handling and disposition of public complaints by the board.

(1) The State Board of Cosmetology and Barber Examiners shall receive and process each complaint made in writing against any licensee, permit (registration) holder, registrant of the board or unlicensed individual or entity, which alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapters 328 and 329, RSMo. Any member of the public or the professions licensed, or any federal, state or local official, may make and file a complaint with the board. Complaints from sources outside Missouri will be received and processed in the same manner as those originating in Missouri.

(2) The board, executive director, or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public. No member of the State Board of Cosmetology and Barber Examiners shall file a complaint with the board while he/she holds that office, unless that member excuses him/herself from further board deliberations or activity concerning the matters alleged within that complaint.

(3) Complaints may be made on forms provided by the board and are available upon request. Complaints should be mailed or delivered to the following address: Executive Director, State Board of Cosmetology and Barber Examiners, PO Box 1062, Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative office in any manner shall be sufficient. Complaints may be made based upon personal knowledge or upon information and belief reciting information received from other sources.

(4) All complaints shall be made in writing, signed and shall fully identify the nature of the complaint and the name and address of the complainant. The board may require that a complaint be made by affidavit sworn before a notary public or other authorized officer and that the complaint fully identify

the affiant by name and address. Oral, telephone, written but unsworn or unsigned communications of any sort may not be considered or processed as complaints, however, the person making these communications, if known, may be provided with a complaint form and requested to complete it and return it to the board in affidavit form. Any member of the administrative staff of the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written communications received by the board, unless those communications are believed by that staff member to be false.

(5) Each complaint received under this rule shall be acknowledged in writing. The acknowledgement shall state that the complaint is being referred to the board for consideration at its next regularly scheduled meeting. The complainant shall be informed in writing as to whether the complaint is being investigated, and later, as to whether the complaint is being dismissed by the board. The complainant shall be notified of the ultimate disposition of the complaint by the board and shall be provided with copies of any decisions of the Administrative Hearing Commission and the board at that time. The provisions of this section shall not apply to complaints filed by staff members of the board, based on information and belief, acting in reliance on third party information received by the board.

(6) Each complaint received under this rule shall be logged in consecutive order as received. The log shall contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal or closure by the board or formal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint.

(7) Both the complaint and any information obtained as a result of the investigation shall be considered a closed record, pursuant to section 620.010.14(7), RSMo, and shall not be available for inspection by the general public. However, upon receipt of a signed authorization on a form provided by the board from the person who is the subject of the complaint and payment of any applicable fee, the board shall provide that person, or that person's authorized representative, with a

copy of the complaint and any attachments to the complaint unless otherwise privileged.

(8) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee, permit holder or registrant of the board with any actionable conduct or violation, whether or not the complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board and whether or not any public complaint has been filed with the board.

(9) The board interprets this rule, as required by law, to exist for the benefit of those members of the public who submit complaints to the board, and for those persons or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the professional licensing boards. This rule shall not be deemed to protect or inure to the benefit of those licensees, permit holders, registrants or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapters 328 and 329, RSMo.

*AUTHORITY:* sections 328.150 and 329.140, RSMo 2000 and 620.010.15(6) and 329.025(1), RSMo Supp. 2007.\* Original rule filed Aug. 1, 2007, effective Feb. 29, 2008.

\*Original authority: 328.150, RSMo 1939, amended 1951, 1981; 329.025, RSMo 2005; 329.140, RSMo 1939, amended 1945, 1951, 1979, 1981, 1995, 1998; and 620.010, RSMo 1973, amended 1981, 1983, 1986, 1989, 1990, 1993, 1994, 1995, 1999, 2001, 2007.