

Before the
Administrative Hearing Commission
State of Missouri



DUSTIN H. FISHBURN,)	
)	
Petitioner,)	
)	
vs.)	No. 14-0451 TP
)	
OFFICE OF TATTOOING, BODY)	
PIERCING AND BRANDING,)	
)	
Respondent.)	

DECISION

We deny Dustin Fishburn’s application for licensure as a tattooist.

Procedure

On April 10, 2014, Fishburn filed a complaint to appeal the denial of his application for licensure as a tattooist by the Office of Tattooing, Body Piercing and Branding (“the Office”).¹ The Office filed an answer on May 14, 2014.

We held a hearing on August 19, 2014. Fishburn represented himself. Assistant Attorney General Todd C. Lucas represented the Office. At the hearing, the Office requested that we leave the record open for a period of time so that it could supplement the record with certified copies of court records. We granted the request and the Office filed those records on

¹ The Office was created by 20 CSR 2267-1.010(20) to be the entity within the Division of Professional Registration that is responsible for licensing tattooists pursuant to § 324.522.2. Statutory references are to RSMo Supp. 2013 unless otherwise noted.

August 25, 2014. We also allowed Fishburn to withdraw his deemed admissions. He answered the Office's request for admissions after the hearing and filed them with us on that date.

Therefore, we admit the Office's substitute copies of Exhibits 3, 4, 5, 6, 7, 8, and 9 (the court records), and the version of Exhibit 2 (the request for admissions) Fishburn completed on the day of the hearing.

This case became ready for our decision on October 27, 2014, the date the last written argument was filed.

Findings of Fact

1. On December 18, 2013, Fishburn submitted his application for a practitioner's license as a tattooist to the Office.

2. In response to questions on the application, Fishburn admitted that he had pled guilty in a criminal prosecution for violations of state law and that part of his criminal record consisted of a traffic offense related to the use of drugs or alcohol.

3. In accordance with the instructions on the application, Fishburn provided a written notarized statement related to the above admissions that he had a criminal record. The instructions also requested that he submit copies of all court documents, but he provided none.

4. According to Fishburn's notarized addendum to the application, he was prosecuted for crimes in Colorado and Wyoming in 1997 and 1998. He also listed his Missouri felony dispositions for arson in 2005 and distribution of drugs in public housing in 2010.²

5. Fishburn's notarized addendum was not a complete list of crimes to which he has pled guilty.

6. After Fishburn submitted his application to the Office, he was informed that his criminal history was insufficient. He went to the police station, made a fingerprint card, sent it to

² According to certified court documents presented and entered into evidence by the Office, Fishburn committed the crime of distribution of a controlled substance in public housing in March of 2011.

the Federal Bureau of Investigations, and authorized the F.B.I. to send his complete criminal history to the Office.

Fishburn's Criminal History in Missouri

7. On March 14, 2006, in the 28th Judicial Circuit (Cedar County), Fishburn pled guilty to the Class C felony of Arson in the 2nd degree under § 569.050, RSMo 2000, a crime he committed on September 11, 2005, and was sentenced to 5 years in the Missouri Department of Corrections.

8. On February 4, 2010, in the 28th Judicial Circuit (Vernon County), Fishburn pled guilty to the crime of driving while suspended (for points, non-DWI) in violation of § 302.321, for a crime that occurred on September 29, 2009, and was sentenced to 7 days in the Vernon County Jail.

9. On October 24, 2012, in the 28th Judicial Circuit (Cedar County), Fishburn pled guilty to the Class A misdemeanor of violating an adult order of protection (on March 16, 2012) pursuant to § 455.085, and was committed to the county jail for 21 days.

10. On January 24, 2013, in the 28th Judicial Circuit (Cedar County), Fishburn pled guilty to a number of offenses committed on several dates:

A. Offenses committed on March 10, 2011:

- the Class D felony of resisting arrest by fleeing, creating a substantial risk of injury or death, in violation of § 575.150, for which he was sentenced to 120 days' shock time in the Cedar County Jail followed by five years' supervised probation, in lieu of execution of a three year sentence in the Missouri Department of Corrections;
- the Class A misdemeanor of driving while revoked in violation of § 302.321 for which he was fined \$150;
- the Class A misdemeanor of leaving the scene of an accident in violation of § 577.060, RSMo 2000, for which he was fined \$150;

- the Class C misdemeanor of driving a vehicle that is not insured in violation of § 303.025, for which he was fined \$100;
- the Class A misdemeanor of careless and imprudent driving in violation of § 304.012, RSMo 2000, for which he was fined \$150; and
- the Class B misdemeanor of exceeding the speed limit by over 20 miles per hour, for which he was fined \$270.

B. Offense committed on March 25, 2011: the Class A felony of distribution of a controlled substance (methamphetamine) near public or government assisted housing in violation of § 195.218, for which he was sentenced to 15 years in the Missouri Department of Corrections. Execution was suspended in favor of 120 days' shock time and probation concurrent with the sentences imposed above.

C. Offenses committed on June 12, 2011:

- the Class D felony of resisting arrest by fleeing, creating a substantial risk of injury or death, in violation of § 575.150, RSMo 2000, and was sentenced to 15 years in the Missouri Department of Corrections, all but 120 days of which was suspended in favor of 120 days' shock time followed by five years' supervised probation;
- the Class A misdemeanor of driving while revoked in violation of § 302.321 for which he was fined \$150; and
- the Class A misdemeanor of 2nd degree endangering the welfare of a child in violation of § 568.050, for which he was sentenced to 60 days in the county jail. Sentences were to be served concurrent with those imposed above.

11. On January 30, 2013, in the 28th Judicial Circuit (Cedar County), Fishburn pled guilty to the Class A misdemeanor of passing a bad check less than \$500 in violation of § 570.120, and was sentenced to 60 days in jail. The execution of sentence was suspended in favor of two years' unsupervised probation. The check was written on February 29, 2012.

12. On June 16, 2014, the Cedar County Circuit Court entered an order excluding Fishburn from earning compliance credits in his supervised probation until he had paid all costs in full.

Fishburn's Qualifications

13. Since 2012, Fishburn has been involved in recovery programs for chemical abuse/dependency, including Celebrate Recovery and "Lake Hab," a rehabilitation program where he takes a drug test every Tuesday. He has finished his training and apprenticeship for tattooing through a state-sponsored vocational rehabilitation program. He undergoes regular drug testing as a term of his probation.

14. On November 27, 2013, Fishburn successfully completed a "Blood Borne Pathogens" course provided by the American Academy of CPR and First Aid, Inc.

15. On December 2, 2013, Fishburn successfully completed an "Adult CPR" and a "Basic First Aid Course" provided by the American Academy of CPR and First Aid, Inc.

16. Between July 18, 2013 and September 22, 2013, Fishburn completed an apprenticeship including 312 documented hours of practical experience and 50 completed tattoos verified by a currently licensed Missouri practitioner, who executed an affidavit acknowledging the supervisory relationship.

Conclusions of Law

We have jurisdiction to hear Fishburn's complaint. Sections 324.262.1 and 621.045. Fishburn has the burden to show that he is qualified for licensure under the laws and administrative regulations relating to this profession. Section 621.120, RSMo 2000. If he makes that showing, he is entitled to a license unless the Office shows that it has cause to deny his application. If the Office carries that burden, we then exercise the same authority that has been granted to the Office and make the decision whether to grant the application *de novo*, exercising the discretion originally granted to the Office. *See State Bd. of Regis'n for the Healing Arts v. Trueblood*, 324 S.W.3d 259, 264-67 (Mo. App. W.D., 2012).

When an applicant for licensure files a complaint, the agency's answer provides notice of the grounds for denial of the application. *Ballev v. Ainsworth*, 670 S.W.2d 94, 103 (Mo. App. E.D. 1984). This Commission must judge the credibility of witnesses, and we have the discretion to believe all, part, or none of the testimony of any witness. *Dorman v. State Bd. of Registration for the Healing Arts*, 62 S.W.3d 446, 455 (Mo. App., W.D., 2001).

A. Qualifications for Licensure

Section 324.522 requires that practitioners of tattooing be licensed by the Office after meeting certain criteria and paying a fee as determined by established rule. Regulation 20 CSR 2267-2.010 sets forth the requirements for licensure as follows:

(2) No person shall tattoo...unless he or she has obtained a license from the division for the profession practiced. An application for a practitioner license shall be notarized, accompanied by the appropriate fee [of \$100],³ and evidence of having successfully completed the following:

(A) A bloodborne pathogen training program (or equivalent) which includes infections disease control; waste disposal; hand-washing techniques; sterilization equipment operations and methods; and sanitization, disinfection, and sterilization methods and techniques (Example: "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA)); and

(B) First aid and cardiopulmonary resuscitation (CPR); and

(C) An apprenticeship, which shall include at least three hundred (300) documented hours of practical experience that includes at a minimum fifty (50) complete procedures in each area that the applicant has filed an application for licensure. The documented work shall be certified and supervised by a currently licensed Missouri practitioner or by a practitioner who is licensed to practice tattooing, body piercing, and/or branding in another state, territory, or commonwealth whose requirements for licensure are substantially equivalent to the requirements for licensure in Missouri. A supervising practitioner shall register a person needing to meet the requirements set forth in 20 CSR 2267-2.010(2)(C) by submitting an affidavit acknowledging the supervisory relationship on a form prescribed by the office[.]

The Office argues that Fishburn has not met these requirements. It acknowledges that he attached documents responsive to these requirements to his complaint, but argues that they were

³ 20 CSR 2267-2.02(3)(A).

not introduced at hearing, not authenticated, and that the Office objected to the documents in its answer.

Fishburn filed a notarized, verified complaint. He attached to his complaint notarized statements from a practitioner who stated that he supervised Fishburn for 300 hours and 50 procedures, and that he trained him in the areas of tattooing techniques, sterilization, customer service, waste disposal, proper cleaning, set-ups, and take-downs. He also attached certificates of completion of courses in Adult CPR , Blood Borne Pathogens, and Basic First Aid provided by the American Academy of CPR & First Aid, Inc. In his complaint he swore that these documents were true and accurate.

Section 536.070(5) requires records and documents of the agency which are to be considered in the case to be offered into evidence to become a part of the record. But § 536.070(6) also allows this Commission to take official notice of all matters of which the courts may take judicial notice. Thus, we may take notice of our own files. *See Conley v. Treasurer of Missouri* , 999 S.W.2d 269, 275 (Mo.App. E.D., 1999). We do so here. On our own motion, we include Fishburn's complaint and the attachments thereto as part of the record in this case. We find that Fishburn has met the qualifications for tattoo licensure set forth in 20 CSR 2267-2.010.

B. Cause for Denial

The Office also argues there is cause for denial under § 324.523.1(2) and (3), which state:

1. The division may refuse to issue or cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required under sections 324.520 to 324.526, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

* * *

(2) Final adjudication and finding of guilt, or the entrance of 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 that is licensed or regulated under sections 324.520 to 324.526, and the regulations promulgated thereunder, 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;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit or license required under sections 324.520 to 324.526[.]

Subdivision (2) – the nature of Fishburn’s offenses

Fishburn committed and pled guilty to several criminal offenses in the state of Missouri and other states. Under § 324.523.1(2), we must determine whether those offenses are reasonably related to the qualifications, functions or duties of the profession of tattooing, whether any of the offenses carried an essential element of fraud, dishonesty or violence, or any involved moral turpitude.

*Reasonable relation to the qualifications,
functions or duties of a tattooist*

Reasonable relation is a low threshold. To relate is to show or establish a logical or causal connection. WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY, 1916 (unabr. 1986). “Reasonable” means “being or remaining within the bounds of reason: not extreme: not excessive;” and “not conflicting with reason: not absurd: not ridiculous.” *Id.* at 1892. We conclude that for a criminal offense to be reasonably related to the functions, qualifications or duties of a profession, the relationship between the offense and the profession must be logical and not strained or exceedingly tenuous. The Office made no argument that Fishburn’s criminal offenses were reasonably related to the profession of tattooing, and we find none.

Essential elements of violence, fraud or dishonesty

An essential element is one that must be proven for a conviction in every case. *State ex rel. Atkins v. Missouri Bd. of Accountancy*, 351 S.W.2d 483, 485 (Mo. App., K.C.D. 1961). Out

of Fishburn's extensive criminal history, the Office argues only the following: that fraud and dishonesty are essential elements of passing a bad check, that dishonesty is an essential element of leaving the scene of an accident, and that violence is an essential element of resisting arrest and of leaving the scene of an accident.

Fraud is an intentional perversion of truth to induce another, in act in reliance on it. *Hernandez v. State Bd. of Regis'n for the Healing Arts*, 936 S.W.2d 894, 899 n. 2 (Mo. App. W.D., 1997). It necessarily includes dishonesty, which is a lack of integrity or a disposition to defraud or deceive. WEBSTER'S at 650. Violence is the "exertion of any physical force so as to injure or abuse[.]" WEBSTER'S at 2554.

Fraud and Dishonesty

We agree with the Office that the crime of passing a bad check, which Fishburn apparently committed on February 29, 2012, contains an essential element of fraud. Section 570.120.1 states:

1. A person commits the crime of passing a bad check when:
 - (1) With purpose to defraud, the person makes, issues or passes a check . . . knowing that it will not be paid by the drawee, or that there is no such drawee; or
 - (2) The person makes, issues, or passes a check . . . for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check . . . and fails to pay the check . . . within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

The Office cites to a previous decision of this Commission, *State Bd. of Nursing v. Kendrick*, No. 10-1414 BN (January 13, 2011), in which we determined that dishonesty is an essential element of leaving the scene of an accident. That crime is defined in § 577.060:

1. A person commits the crime of leaving the scene of a motor vehicle accident when being the operator or driver of a vehicle on the highway or on any publicly or privately owned parking lot or parking facility generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property, due to his culpability or to accident, he leaves the

place of the injury, damage or accident without stopping and giving his name, residence, including city and street number, motor vehicle number and driver's license number, if any, to the injured party or to a police officer, or if no police officer is in the vicinity, then to the nearest police station or judicial officer.

Our decisions are not precedential. *Fall Creek Const. Co. v. Director of Revenue*, 109 S.W.3d 165, 172 (Mo. banc 2003). Nonetheless, it is difficult to imagine a circumstance under which a person could commit this crime without dishonest intent. We agree that dishonesty is an essential element of leaving the scene of an accident.

Act of violence

The Office argues that violence also is an essential element of leaving the scene of an accident, again citing *Kendrick*. We disagree. The crime as defined above requires no act of violence.

Finally, the Office argues that violence is an essential element of resisting arrest. That crime is defined in § 575.150.1, which states:

1. A person commits the crime of resisting or interfering with arrest, detention, or stop if, knowing that a law enforcement officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:

(1) Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force **or by fleeing from such officer**[.]

Clearly, a person may resist arrest without any act of violence.

Offenses involving moral turpitude

Moral turpitude is:

an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything “done contrary to justice, honesty, modesty, and good morals.”

In re Frick, 694 S.W.2d 473, 479 (Mo. banc 1985) (quoting *In re Wallace*, 19 S.W.2d 625 (Mo. banc 1929)). In *Brehe v. Missouri Dep't of Elementary and Secondary Education*, 213 S.W.3d 720 (Mo. App. W.D. 2007), a case that involved discipline of a teacher's certificate under § 168.071 for committing a crime involving moral turpitude, the court referred to three classifications of crimes:

- (1) crimes that necessarily involve moral turpitude, such as frauds (Category 1 crimes);
- (2) crimes "so obviously petty that conviction carries no suggestion of moral turpitude," such as illegal parking (Category 2 crimes); and
- (3) crimes that "may be saturated with moral turpitude," yet do not involve it necessarily, such as willful failure to pay income tax or refusal to answer questions before a congressional committee (Category 3 crimes).

Id. at 725 (emphasis added, quoting *Twentieth Century-Fox Film Corp. v. Lardner*, 216 F.2d 844, 852 (9th Cir. 1954)).

Because the act of passing a bad check involves fraud, it is a crime of moral turpitude. Crimes involving controlled substances are also, typically, crimes of moral turpitude. *See In re Shunk*, 847 S.W.2d 789, 791 (Mo. banc 1993). We see no reason to depart from that general rule here, in which Fishburn's crime involved the sale of methamphetamine. In that the crime of arson in the second degree, as set forth in § 569.050, requires knowing damage to a building or inhabitable structure belonging to someone else, we find that it too is a crime of moral turpitude.

The Office also argues that driving while revoked, resisting arrest, and leaving the scene of an accident are all crimes of moral turpitude. We agree that they *may* be, but they might also fall into "category 3," in which the circumstances of the crime must be considered. Given that we know none of those factual circumstances, we do not find them to be crimes of moral turpitude.

We separately consider whether violating an order of protection is a crime of moral turpitude. Section 455.085 sets out the elements needed to prove a violation of an order of

protection. A person commits the crime of violating an order of protection when “a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order.” *State v. Hardin* , 429 S.W.3d 417, 423 (Mo. banc 2014). Importantly, however, “Section 455.085 contains no requirement of any mental state.” *State v. McCann* , 952 S.W.2d 392, 394 (Mo.App. S.D., 1997). Therefore, we consider it to be a category 3 crime as well, and the Office has not shown it to be a crime of moral turpitude here.

But Fishburn’s guilty pleas for distribution of a controlled substance, arson, and passing a bad check are grounds for denying his application under § 324.523.1(2) because they are crimes involving moral turpitude.

Subdivision (3) – use of fraud, deception,
misrepresentation in securing a license

At this time, Fishburn has not secured a license, so there are no grounds for denial based on this subsection. The Office’s answer and arguments contend this provision provides an additional basis on which to deny Fishburn a license based on the assertion that Fishburn intentionally misrepresented his criminal history in connection with *applying* for his license. We disagree.

Section 324.523.2(3) allows for discipline of a license for the “use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit or license required under sections 324.520 to 324.526.” Similar language exists in a number of licensing statutes. *See, e.g.*, § 339.100.2(10) (real estate salesperson); § 375.141.1(1), (3) (insurance producer). But those licensing statutes also contain provisions for discipline or denial in the case of a person who makes false statements in an application, whether or not a license is granted. Section 339.100.2(25) provides cause to deny a real estate salesperson license for “making any material misstatement, misrepresentation, or omission **with regard to any**

application for licensure or license renewal” (emphasis added). And § 375.141.1(1) and (3), respectively, provide cause to deny an insurance producer license for “intentionally providing materially incorrect, misleading, incomplete or untrue information **in the license application**” and “obtaining **or attempting to obtain** a license through material misrepresentation or fraud” (emphasis added).

There is no cause to deny licensure to Fishburn under § 324.523.2(3).

Summary of Cause for Denial

There is cause to deny Fishburn’s application for a tattooist’s license under § 324.523.2(2) because he committed a crime of which an essential element is fraud, one of which an essential element is dishonesty, and several crimes of moral turpitude.

C. Exercise of Discretion

Under the facts of this case, we may deny Fishburn’s application for a tattooist license. “May” means an option, not a mandate. *S.J.V. ex rel. Blank v. Voshage*, 860 S.W.2d 802, 804 (Mo. App. E.D. 1993). Fishburn’s appeal vests in this Commission the same degree of discretion as the Office, but we need not exercise it in the same way. *Trueblood*, 368 S.W.3d at 267.

In exercising our discretion, we are guided by several considerations. First, we are mindful that the purpose of the professional licensing laws is to protect the public. *Garozzo v. Missouri Dept. of Ins., Financial Institutions & Professional Regis’n*, 389 S.W.3d 660, 665 (Mo. banc 2013). At the same time, the General Assembly, through its enactment of § 314.200, RSMo 2000, and § 324.029, has established a public policy allowing felons the opportunity to show sufficient rehabilitation for occupational and professional licensing. Section 324.029 provides: “Except as otherwise specifically provided by law, no license for any occupation or profession shall be denied solely on the grounds that an applicant has been previously convicted

of a felony.” And § 314.200, although not directly applicable in this case, specifically directs state agencies to “consider the nature of the crime committed in relation to the license which the applicant seeks, the date of the conviction, the conduct of the applicant since the date of the conviction and other evidence as to the applicant’s character” when considering the moral character of an applicant who has been convicted of a felony or misdemeanor.

The appellate courts of this state have also issued a number of decisions consistent with the principle that persons who have committed crimes may show sufficient rehabilitation to be licensed. *See, e.g., Trueblood; State Bd. of Regis’n for the Healing Arts v. Finch*, 514 S.W.2d 608, (Mo. App. W.D., 1974); *State Bd. of Regis’n for the Healing Arts v. DeVore*, 517 S.W.2d 480 (Mo. App., W.D., 1974).

With these countervailing principles in mind, we consider Fishburn’s application. As we do so, we note that the statutes governing the licensing of tattooists, unlike most other licensing statutes, do not require the applicant to show that he has good moral character. We confine our inquiry, therefore, to whether Fishburn has shown, despite his extensive criminal history, that he can be a safe, hygienic, and law-abiding tattoo practitioner.

Since the disposition of Fishburn’s last criminal case, he has availed himself of the Missouri Vocational Rehabilitation program and has put in the hours of training, observation and supervised tattoo artistry to meet the qualifications for licensure so that he can provide for himself through legitimate and lawful work. In addition, he has been participating in various rehabilitation programs in order to maintain his sobriety. We see no reason he cannot practice tattooing in a safe and hygienic manner.

Although Fishburn was not thorough and meticulous in cataloging every crime for which he has been adjudicated in the last 20 years, we find that he has acknowledged his criminal

offenses and did not set out to obfuscate the truth. He is in active recovery and has been on supervised probation since his last sentencing almost two years ago.

Against these positive factors we balance the fact that his criminal record is lengthy, recent, and contains several serious crimes. We have, in the past, found applicants for licensure with criminal histories,⁴ or who used illegal drugs,⁵ to be rehabilitated. Those cases have several commonalities. In all of them the licensee candidly acknowledged past crimes or conduct and showed that he or she had embraced a new moral code. The licensees took responsibility for their actions and demonstrated absolute honesty in admitting their mistakes. They also demonstrated their commitment to leading an honest and law-abiding life for a period of time before they were licensed. There is no formula to determine how long that period should be, but it must be long enough to persuade us that the person is securely set on his new course.

We understand that denial of Fishburn's application puts another obstacle in his path to becoming a law-abiding and productive citizen. At this point, however, his offenses are simply too many and too recent. He is apparently delinquent in paying his court costs. Although none of his criminal offenses was reasonably related to the profession of tattooing, their cumulative effect makes us hesitant to grant him a license at this point. We encourage him, however, to continue in his efforts, and to apply for licensure again after he has experienced a longer period of sobriety and compliance with his probation.

⁴See *Redempta M. Kimanzi vs. State Bd. of Nursing*, No. 08-2028 BN (Aug. 5, 2009); *John Farrar vs. Missouri Real Estate Appraisers Comm'n*, No. 08-0912 RA (April 9, 2009); *Michael C. Cooper d/b/a Cooper's Landing vs. Supervisor of Liquor Control*, No. 04-0858 LC (Oct. 21, 2004); *Sharrisse Walls vs. State Bd. of Nursing*, No. 03-1933 BN (April 1, 2004); *John T. Ryan vs. State Bd. of Chiropractic Examiners*, No. 99-0458 CX (Jan. 3, 2000).

⁵See *Vanessa Ampofo v. Missouri Board of Pharmacy*, No. 08-1202 PH (May 4, 2009); *James A. Brockenbrough v. State Bd. of Regis'n for the Healing Arts*, No. 08-0994 HA (May 4, 2009); *Christine Ann Trueblood v. State Bd. of Regis'n for the Healing Arts*, No. 09-0795 HA (Aug. 11, 2010). AHC cases may be found at <http://oa.mo.gov/ahc/>.

Summary

We deny Fishburn's application for a license as a tattoo practitioner.

SO ORDERED on January 8, 2015.

\s\ Karen A. Winn

KAREN A. WINN

Commissioner