

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF BARBERS AND COSMETOLOGISTS**

IN RE:)
OLIVIA KAZAK) Docket No: 2009-231
License Application)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont through Gregg Meyer and the Respondent, Olivia Kazak and enter into the following stipulation and consent order.

Board Authority

1. The Vermont Board of Barbers and Cosmetologists has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Cosmetologists, Barbers, Estheticians and Manicurists pursuant to 3 V.S.A. §129 and 129a; 26 V.S.A. Chapter 6; the Rules of the Board of Barbers and Cosmetologists (“RBBC”); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Respondent, Olivia Kazak, on March 20, 2009 applied to the Board of Barbers and Cosmetology for permission to take her licensing examination prior to applying for her license. Said request was granted. However, based on information provided to the Board in her subsequent application for licensure that concerned criminal convictions of Respondent, said application was preliminary denied.
3. Specifically, on or about November 2, 2007, Respondent was convicted of 3 counts of sale of cocaine and was sentenced to 1 -6 years to serve. Respondent was incarcerated for approximately 8 months and according to her probation officer, was released early do to her good conduct while incarcerated. Probation Officer’s Letter is attached as Exhibit 1.
4. Respondent’s probation officer further states Respondent is doing well and meeting all her probation obligations and most importantly, based on her conduct should not be prevented from obtaining her cosmetology license.

Charges

5. The acts, omissions and/or circumstances Respondent engaged in and described above constitute grounds for discipline because Respondent violated:
- i. 3 V.S.A. § 129a(a)(10) (Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession);

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Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Understandings

6. The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.
7. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
8. This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
9. The Respondent is voluntarily waiving her right to a contested hearing before the Board.
10. Respondent agrees that the State has sufficient evidence for the Board to find that Respondent has engaged in unprofessional conduct and that the Order set forth below may be entered by the Board.

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:

- A. The Respondent has engaged in unprofessional conduct as set out above.
- B. The Board of Barbers and Cosmetologists hereby **CONDITIONS** the Respondent's license, should it be granted, commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

- 1) The Respondent must comply with all conditions of the terms of her ^{parole} ~~probation~~. If the Respondent is sanctioned for any reason regarding her terms probation she must inform the Board within five days, by phone and in writing.
- 2) "Sanction" includes, but is not limited to, being incarcerated again, being removed from her current ^{parole} ~~probationary~~ status, being arrested for any reason, and/or violating the terms of her court ordered and probation obligations.
- 3) If the Respondent is sanctioned the State may request a hearing at which the Board shall consider amending these conditions or suspending Respondent's license pending further proceedings.
- 4) Respondent must abide by all current and future conditions of ^{parole} ~~probation~~ imposed by any court.

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- 5) Respondent shall arrange to have quarterly reports made to the Board concerning her compliance with requirements imposed on her by the Department of Probation.
- 6) Upon successful completion of her probation, Respondent may petition the Board to have these conditions changed and/or removed.
- 7) ~~During the time that Respondent's license is conditioned under this order she shall provide a copy of this order to all her employers for whom she is working under a license issued by this Board. Within ten days of the commencement of employment Respondent shall have provided a letter to the Board from the employer affirming that this paragraph has been complied with. This paragraph applies to all employers.~~ *Con*
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.
- E. A violation of this order may be unprofessional conduct and grounds for further disciplinary action.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 6/15/09

By: *Gregg Meyer*
Gregg Meyer
State Prosecuting Attorney

Dated: 6/15/09

By: *Olivia Kazak*
Olivia Kazak
Respondent

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

APPROVED AND SO ORDERED:

VERMONT BOARD OF BARBERS AND
COSMETOLOGISTS

Dated: 15 June 2009

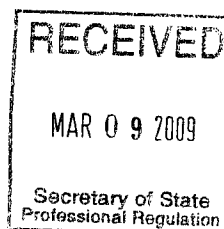
By: Josephine Thomas
Chairperson

Date of Entry: 6/16/09

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32 Cherry Street, Suite 315
Burlington, VT 05401
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**State of Vermont
Agency of Human Services
Department of Corrections
Probation & Parole**

50 Cherry street
Burlington, VT 05401
Tel: (802) 863-7350
Fax: (802) 863-7431

To: Whom it May Concern

Reply to: 50 Cherry Street

RE: Olivia Kazak

Date: February 20, 2009

My name is Andrea Miller and I am Olivia Kazak's Probation Officer. Ms. Kazak was convicted of 3 counts of Sale of Cocaine on November 2nd, 2007. Her sentence was 1 year – 6 years to serve. Ms. Kazak was incarcerated for approximately 8 months. She was released 3 months before her minimum sentence was completed because she did well while incarcerated. She did not receive any disciplinary reports while incarcerated nor did she have any positive urine screens. Ms. Kazak has continued to do well since being in the community. She is working with the Department of Children and Families, this probation officer, her mother and family court. She has told this officer time and again that she does not want to go back to the life that she was living. She enjoys not having to always look over her shoulder wondering who is watching her or could be. She has continued to do well and has gained custody of her sons back. She has done a lot of work when it comes to finding a new way of life.

Ms. Kazak admits that she has a lot to lose if she ever went back to her old behaviors. She knows that she would lose custody of her children and never gain that back. Her children mean the world to her and she wants to continue to provide for them and care for them. Ms. Kazak chose to go into the cosmetology field because it is something she enjoys. She also wants to continue with her college education and show her sons that it is never too late to better yourself.

Ms. Kazak knows that she can not change what she has done in her past. She also knows that the future will be what she makes of it. She is very motivated and determined to live a clean and sober lifestyle and make the choices that support that lifestyle. Ms. Kazak has graduated from the Salon Professional Academy in Williston Vermont, but has not been able to get her license because she has felony charges. It is this officer's belief that Ms. Kazak should be given the opportunity to get her cosmetology license. She wants to provide for her family the right way and getting her cosmetology license would be a way for her to do just that.

If you have any questions or would like to speak to me directly, feel free to give me a call. My direct line is: 802-863-7353. Thank you

Andrea E Miller

Andrea Miller, Probation Officer