

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

IN RE:

AMANDA M. HOLMES

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Docket No. APP-CO01-0808

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through its State Prosecuting Attorney Edward G. Adrian, and the Applicant, Amanda M. Holmes, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Barbers and Cosmetologists (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct 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. Amanda M. Holmes (the "Applicant") of Hyde Park, Vermont, applied to take the examination for Vermont cosmetology licensure on or about June 19, 2008.
3. In the above-named exam application, the Applicant answered "Yes" to the question "Have you been convicted of a crime other than a minor traffic violation?"
4. On or about February 16, 2006 in the District Court of Vermont for Orleans County under Docket No. 415-8-05-Oscr, the Applicant was found guilty of obstructing justice (a felony) and was given a five year deferred sentence; and was found guilty of giving false information to a law enforcement officer (a misdemeanor) and was placed on probation.
5. On or about July 22, 2008, the Applicant was discharged from probation in regard to her misdemeanor sentence. The Applicant has completed all special conditions of her probation, including attending, participating, and completing Reparative Board; community service; and substance abuse counseling. The Applicant remains under probation via a deferred sentence agreement with the Vermont Department of Corrections until February 16, 2011 in regard to her felony sentence, and is under standard probation conditions.

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Charges

6. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Applicant has committed unprofessional conduct in violation of 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).

Understandings

7. Applicant understands that the Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
8. Applicant specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
9. Applicant has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. Applicant voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
11. The Applicant is not under the influence of any drugs or alcohol at the time this document is being signed.
12. Applicant voluntarily waives her right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
13. Applicant agrees that the State has sufficient evidence for the Board to find that Applicant has engaged in unprofessional conduct and that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is **ORDERED** and **ADJUDGED** as follows:

- A. The Applicant's license to practice as a cosmetologist is hereby **GRANTED** and **CONDITIONED** commencing with the date of entry of this Stipulation and Consent

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Order and until such time as Applicant is released from probation by the Vermont Department of Corrections for the above-referenced criminal offense. The conditions are as follows:

(1) License to be labeled "Conditioned."

Any license issued to the Applicant by this Board shall be labeled "Conditioned."

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Applicant has completed all conditions ordered. Applicant shall be subject to the conditions until Applicant is released from probation by the Vermont Department of Corrections. Upon discharge from the supervision of the Department of Corrections, Applicant may petition the Board to have these conditions removed from her license.

(3) Compliance with Terms of Probation.

Applicant shall comply with all requirements of the Vermont Department of Corrections, or any similar agency in any other state; this includes all court-ordered requirements. This includes, for purposes of illustration, probation conditions, furlough conditions, parole conditions, and the like. Any violation of any condition imposed by the Department of Corrections is a violation of this Order and grounds for further discipline.

(4) Notification of Conditions or Change in Conditions.

Applicant shall provide the Board with a copy of all conditions imposed on her by the Department of Corrections. Should the conditions change, Applicant shall provide the Board with updated conditions and releases as needed within fifteen (15) days of the changes.

(5) Release.

Applicant shall provide the Board with a release to permit the Board, investigators, and prosecuting attorney to obtain information from Corrections about compliance with any requirements of the Department of Corrections.

(6) Employment Restriction.

Applicant shall only work as permitted by the Department of Corrections.

(7) Notification to Employers.

During the conditioned period, Applicant shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which Applicant practices as a cosmetologist, and inform them of Applicant's conditional license status.

Within ten (10) days of the commencement of employment as a cosmetologist, Applicant shall cause her immediate supervisor to inform the Board, in writing and on the employer's letterhead, of receipt of the Stipulation and Consent Order and the ability of the employer to comply with the conditions of the Consent Order.

(8) Reports from Employers.

Within one (1) month of the date of commencement of employment as a cosmetologist, and **quarterly** thereafter for the period the conditions are in place, Applicant shall cause

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every employer Applicant has worked for as a cosmetologist during the quarter to submit to the Board an evaluation of Applicant's performance and attendance during that quarter. This report shall be submitted in writing on forms issued by the Board.

(9) Notification to Probation Officer.

Within ten (10) days of the date of entry of this Stipulation and Consent Order, Applicant shall provide a copy of this Stipulation and Consent Order to her probation officer and cause her probation officer to inform the Board, in writing and on professional letterhead, of receipt of the Stipulation and Consent Order and the probation officer's ability to comply with the conditions of the Consent Order.

(10) Reports from Probation Officer.

Within one (1) month of the date of entry of this Stipulation and Consent Order and **quarterly** thereafter for the period the conditions are in place, Applicant shall authorize and cause her probation officer to submit to the Board evidence of compliance with all requirements of the Department of Corrections. These reports shall be submitted in writing and on the probation officer's professional letterhead.

Applicant shall authorize her probation officer to provide all information requested by the Board, either orally or in writing, at any time during the period this Consent Order is in effect.

In addition, the Applicant shall cause her probation officer to submit to the Board the results of any urine screens administered to the Applicant during the quarter.

(11) Costs.

The Applicant shall bear all costs of complying with this Consent Order.

(12) Violation of this Order.

If the Applicant violates the terms of this Order in any respect, the Board, after giving the Applicant notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Applicant during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(13) Completion of Conditional License Period.

After the conditional license period, the Applicant may petition the Board to remove any and all conditions on her license. The Applicant must present proof that she has fully complied with the terms of this Order. Proof of satisfactory discharge from criminal probation shall constitute full compliance with this Order.

- B. Notwithstanding any provision above, the Applicant must continue to meet all Board requirements for maintaining a license, license renewal, and license reinstatement.
- 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).

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D. This Stipulation and Consent Order will remain part of Applicant's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: 8.14.08

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature] for
Edward G. Adrian
State Prosecuting Attorney

Dated: 8-9-08

AMANDA M. HOLMES
APPLICANT

By: [Signature]
Amanda M. Holmes

APPROVED AND SO ORDERED:

Dated: 8/18/08

VERMONT BOARD OF BARBERS
AND COSMETOLOGISTS

By: [Signature]
Chairperson

Date of Entry: 8/18/08

app.co.holmes.stip

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