

**STATE OF VERMONT  
BOARD OF BARBERS AND COSMETOLOGISTS**

In re: Kim LeBlanc  
License No. None

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Docket No. APP-CO 16-1007

**Appearances:**

Petitioner, State of Vermont: Robert H. Backus  
Respondent: did not appear

Presiding Officer: Larry S. Novins

**DEFAULT ORDER**

The Board of Barbers and Cosmetologists held a hearing on the above matter on April 21, 2008 at the Office of Professional Regulation hearing room at the National Life Bldg., North, FL2 in Montpelier, Vermont. The Respondent did not attend and was not represented by counsel.

**Findings of Fact**

1. Ms. LeBlanc is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, Chapter 6 of Title 26 of the Vermont Statutes Annotated, the Administrative Rules of the Board of Barbers and Cosmetologists, and the Rules of the Office of Professional Regulation.
2. Ms. LeBlanc was sent notice of the Charges against her by certified mail on February 28, 2008 to her last known address, the one from which she applied for licensure.
3. The return receipt shows that the notice was received and signed for by Marie LeBlanc on February 29.
4. Ms. LeBlanc's answer to the charge was due by March 18, 2008. Ms. LeBlanc did not answer the charges against her in the prescribed time.
5. Notice of the default hearing scheduled for today was mailed to Ms. LeBlanc's same address by certified mail on April 14, 2008.
6. There is no indication whether that letter was received.
7. The Respondent has still not answered the charges against her.
8. Upon hearing the State's presentation and taking notice of its own file, the Board finds the Ms. LeBlanc to be in default. The allegations contained in the State's specification of charges dated February 26, 2008 (copy attached) are therefore treated as the facts on which the Board's order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

### Conclusions of Law

Ms. LeBlanc has received adequate notice of the charges against her as indicated by the Board's file and the State's presentation. Because the Respondent has failed to answer the charges, the State's factual allegations are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in the default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

### Order

In accordance with the above findings of fact and conclusions of law, the Board imposes and Administrative penalty of \$1,000.00. Pursuant to 3 V.S.A. § 129(a)(6) notice of this decision is to be sent to licensing authorities in Oregon and Florida where Ms. LeBlanc holds professional licenses.

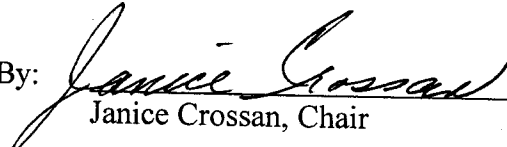
### Appeal Rights

This is a final administrative determination by the Vermont Board of Barbers and Cosmetologists.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a. To request a stay of the Board's decision, please refer to the attached stay instructions.

By:

  
Janice Crossan, Chair

Date: April 21, 2008

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 4/22/08

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

**IN RE:  
KIM C. LEBLANC**

)  
)

**Docket No: APP-CO16-1007**

**SPECIFICATION OF CHARGES**

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Kim C. LeBlanc:

**Board Authority**

1. The Vermont Board of Barbers and Cosmetologists 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. The Applicant, Kim C. LeBlanc of Albany, New York, applied for licensure as a manicurist in the State of Vermont on or about July 15, 2007.
3. On or about September 28, 2007, the Applicant was scheduled to take the Vermont State Law Examination (the Exam) which is required for licensure as a manicurist in the State of Vermont. On that date, Secretary of State's Office employee K.S. was administering the Exam.
4. Approximately ten (10) minutes after the Exam started, K.S. observed the Applicant to be nervous and moving around in her seat. K.S. observed the Applicant writing on the Exam answer sheet however, K.S. noted that the Exam booklet was not opened. K.S. further observed the Applicant to have one hand open as if she was looking at her palm and then writing with the other hand.
5. After K.S. observed the Applicant's unusual behavior, K.S. approached the Applicant and asked to look at the Applicant's hand. K.S. observed approximately twenty-five (25) numbers written on the Applicant's hand. There were twenty-five (25) questions on the Exam. At that point K.S. advised the Applicant that she could not finish the Exam because she was cheating. The Applicant replied, "Please let me take the test. I not cheat." K.S. again advised the Applicant that she had to leave, at which point the Applicant left the building.
6. Subsequently, the Applicant's application was denied. The Applicant filed a timely appeal to the denial. The hearing on her appeal was set for January 14, 2008. The Applicant did not appear for the hearing and her application was denied by the Board.

STATE OF VERMONT



Prosecuting Attorney  
Office of  
Professional Regulation  
9 Baldwin Street  
Montpelier, VT  
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**Charges**

7. By attempting to fraudulently obtain a manicurist license, the Respondent has violated:
- i. 3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); and
  - ii. 3 V.S.A. §129a(a)(1) (Fraudulent or deceptive procurement or use of a license).

**Request for Relief**

**WHEREFORE**, the license of Kim C. LeBlanc should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

**DATED** at Montpelier, Vermont this 26<sup>th</sup> day of February, 2008.

STATE OF VERMONT  
SECRETARY OF STATE

By: 

Robert H. Backus  
State Prosecuting Attorney

app.co.leblanc.soc

STATE OF VERMONT



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