

STATE OF VERMONT
BOARD OF BARBERS AND COSMETOLOGISTS

IN RE:)
Dolores Chalifoux) Docket No.: CO04-0203
License No.: 011-0000009;)
009-0000180)

STIPULATION AND CONSENT ORDER

Come now the State of Vermont, by and through Robert H. Backus, prosecutor, and the Respondent, Dolores Chalifoux, in person, and enter into the following Stipulation and Consent Order.

Authority of The Board

1. The Vermont Board of Barbers and Cosmetologists has jurisdiction to investigate and adjudicate complaints of unprofessional conduct pursuant to 3 V.S.A. §§129, 129a and 814; 26 V.S.A. §276; Rules of the Office of Professional Regulation and the Board of Barbers and Cosmetologists.
2. Every school of Cosmetology must have at least one (1) instructor for every eight students for hands-on training and one (1) instructor for every twenty (20) students in a classroom setting if there is a provision for some type of tutoring or teach support for students who need assistance, otherwise one (1) instructor for every fifteen (15) students. Rules of the Board of Barbers and Cosmetologists 7.1(14).
3. Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession constitutes a basis for unprofessional conduct. 3 V.S.A. §129a(a)(3).

Facts

4. Dolores Chalifoux of North Bennington, Vermont is a Cosmetologist holding license number 009-0000180 issued by the State of Vermont.
5. Respondent has been licensed since late 1970 and her license will expire on November 30, 2005.
6. Academy of Cosmetology is a licensed school of cosmetology licensed by Respondent under license number 011-0000009 issued by the State of Vermont. Respondent's school was originally licensed on September 21, 1998 and will expire on November 30, 2003.
7. Respondent stated on her application for the Academy of Cosmetology that the average number of students would be five or six.
8. Respondent stated, on March 6, 2003, she had nine students attending her school.

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Prosecuting Attorney
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Montpelier, VT 05602

9. All nine of these students were receiving hands on training at the time and there was only one instructor for all nine of the students.

Charges

10. By committing the above act(s), circumstance(s) or omission(s), the Respondent has
- a. Committed unprofessional conduct by only having one instructor for hands on training for nine students in violation of Rules of the Board of Barbers and Cosmetologists 7.1(14).
 - b. Committed unprofessional conduct by failing to comply with provisions of federal or state statutes or rules governing the practice of the profession in violation of 3 V.S.A. §129a(a)(3).

Understandings

11. The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Commission and that if the Commission rejects any portion the entire Stipulation and Consent Order shall be null and void.
12. Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
13. This Stipulation and Consent Order is entered into voluntarily by Respondent after the opportunity to consult with legal counsel. Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
14. The Respondent waives her right to appeal from any order entered by the Board pursuant to this stipulation.

CONSENT ORDER

The Board of Barbers and Cosmetologists **FINDS** as follows:

15. The Respondent has agreed that the Commission may find the facts set out above as established and the Commission so finds.
16. The Respondent has further agreed that these facts constitute a sufficient basis for discipline.
17. Accordingly the Commission finds that, the Respondent:
- a) Committed unprofessional conduct by only having one instructor for hands on training for nine students in violation of Rules of the Board of Barbers and Cosmetologists 7.1(14).

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b) Committed unprofessional conduct by failing to comply with provisions of federal or state statutes or rules governing the practice of the profession in violation of 3 V.S.A. §129a(a)(3).

18. Based on the above stipulation the Commission warns Respondent's license

19. Further, the Board conditions Respondent's licenses for one year under the following terms:

a) Starting thirty days after the entry of this order the Respondent will file reports quarterly with the Board specifying how many students she has in each course she offers and how many instructors she has for each course along with the names of the instructors and the number of hours of instruction each student has received. The first report due shall be considered late if not received by the Board within forty-five days of the entry of this order. Subsequent reports must be prepared and received by the Board within three months, plus or minus fifteen days, of the most recent report.

b) Respondent will assure that at all times she is in compliance with all regulations governing schools of cosmetology and the license issued to her school.

c) Should the Board find the reports required by a) above to be inadequate it shall so inform Respondent who will then have fifteen days to correct the deficiencies.

20. The Board imposes an administrative penalty of two hundred dollars (\$200.00) which is to be paid within thirty days of the entry of this order.

21. The final disposition of the complaint against Respondent is public and the Commission may notify other states of its disposition as provided in 3 V.S.A. §129(a)(8).

22. Respondent understands that this Stipulation and Consent Order will remain part of his licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dolores Chalifoux

Dated: 1-8-04

STATE OF VERMONT
SECRETARY OF STATE

by:

Robert H. Backus
Robert H. Backus
State Prosecuting Attorney

1/12/04

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Dated: 1-8-04

by:

Delores Chalifoux
Delores Chalifoux
Respondent

APPROVED AND SO ORDERED:
VERMONT BOARD OF BARBERS AND COSMETOLOGISTS

Dated: 1-12-04

by:

Janice Crossan
Chairperson

Date of Entry:

~~1-12-04~~
1/14/04

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