

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

**IN RE:** )  
**GYNA C. DORAN** ) **Docket No: CO 05-0403**  
**Lic. No. 009-0002328** )

**STIPULATION AND CONSENT ORDER**

**STIPULATION**

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent Gyna C. Doran, who stipulate and agree as follows:

**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. §276; and the Board of Barbers and Cosmetologists Rules.
- 2) Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board may take disciplinary action. 3 V.S.A. §129a(a)(3).
- 3) Practicing cosmetology or barbering in a shop not registered by the Board is unprofessional conduct upon which the Board may take disciplinary action. 26 V.S.A. §282(b).
- 4) Being a person who owns or controls a shop and who permits the practice of cosmetology or barbering services when the shop is not registered by the Board is unprofessional conduct upon which the Board may take disciplinary action. 26 V.S.A. §272(b).
- 5) Practicing or offering to practice beyond the scope permitted by law is unprofessional conduct upon which the Board may take disciplinary action. 26 V.S.A. §288(1).

**Facts**

- 6) Respondent, Gyna C. Doran, is licensed as a cosmetologist by the State of Vermont holding license number 009-0002328.
- 7) Respondent was originally licensed on June 4, 1992 and Respondent's license is currently set to expire on November 30, 2003.

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- 8) At all times relevant, Respondent has been employed as a hairstylist at Hair Masters in Essex Junction, VT.
- 9) The State alleges that the Respondent has been performing hair care out of her residence in Essex Junction, VT for approximately the past six years.
- 10) The Respondent never obtained a shop license from the State of Vermont to perform barbering or cosmetology from her residence.
- 11) The State alleges that the Respondent has accepted money and payment in kind from customers serviced at her residence.
- 12) Respondent did not have dishonest intent in servicing customers at her residence without having obtained the proper shop license.
- 13) Although the Respondent does not admit to the truth of the facts above, the Respondent does not contest that the State would be able to prove these facts by a preponderance of the evidence at a hearing.

#### Charges

- 14) By committing the above act(s) and/or omission(s) alleged above, the Respondent has committed unprofessional conduct in that 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);
  - (ii) 26 V.S.A. §282(b) (The practice of cosmetology or barbering shall only be permitted in shops registered by the Board);
  - (iii) 26 V.S.A. §272(b) (No person who owns or controls a shop shall permit the practice of cosmetology or barbering services unless the shop is registered by the Board); and
  - (iv) 26 V.S.A. §288(1) (Practicing or offering to practice beyond the scope permitted by law).

#### Understandings

- A. Respondent understands that the Board of Barbers and Cosmetologists 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.
- B. Respondent 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.
- C. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

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- D. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
- E. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
- F. Respondent voluntarily waives her right to charges and a contested hearing before the Board of Barbers and Cosmetologists.
- G. Respondent agrees 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:

H. The Board of Barbers and Cosmetologists hereby **CONDITIONS FOR A PERIOD OF SIX (6) MONTHS** the Respondent's license to practice cosmetology. The conditions are as follows:

(1) Permits and Licenses / Compliance.

Should the Respondent desire to continue to operate a shop from her residence, the Respondent must obtain all of the necessary permits and licenses required to operate a cosmetology shop. Within six (6) months of the date of the entry of this Stipulation and Consent Order, the Respondent's shop must be in substantial compliance with the laws and rules governing cosmetologists or the Respondent must inform the Board of her intent not to license her home shop.

(2) Cosmetology Examination.

Within six (6) months of the date of entry of this Stipulation and Consent Order, Respondent must take and obtain a passing grade on the State of Vermont, Laws and Rules section, of the cosmetology examination.

(3) Costs.

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

(4) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

I. Failure to timely comply with the conditions above shall be grounds for further disciplinary action.

J. Notwithstanding any provision above, the Respondent must continue to meet all Board of Barbers and Cosmetologists requirements for maintaining a license, license

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renewal and license reinstatement.

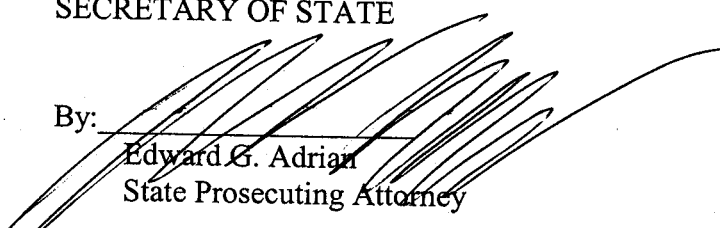
K. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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

AGREED TO:

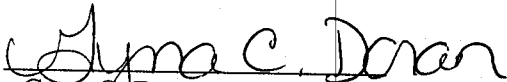
STATE OF VERMONT  
SECRETARY OF STATE

Dated: 12/10/03

By:   
Edward G. Adrian  
State Prosecuting Attorney


GYNA C. DORAN  
RESPONDENT

Dated: DEC 3, 2003

By:   
Gyna C. Doran

ATTORNEY FOR RESPONDENT  
APPROVED AS TO FORM:

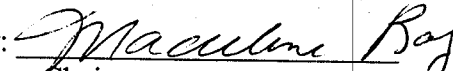
Dated: 12/3/03

By:   
Attorney for Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF BARBERS AND  
COSMETOLOGISTS

Dated: 1/12/04

By:   
Chairperson

Date of Entry: 1/14/04

co.doran.stip

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