

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

IN RE:)
CRYSTAL R. DUBUQUE) Docket No: CO 07-1101
Lic. No. 010-0003605)

STIPULATION AND CONSENT ORDER

The Respondent, Crystal R. Dubuque, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Barbers and Cosmetologists as a final order in this matter.

Board Authority

- 1) The Vermont Board of Barbers and Cosmetologists has jurisdiction to investigate and adjudicate allegations of unprofessional conduct by cosmetologists and to approve consent orders entered by the parties pursuant to 3 V.S.A. §129; 26 V.S.A. §276; and the Board of Barbers and Cosmetologists Rules (hereinafter "Rules").
- 2) 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, is unprofessional conduct upon which the Board may take disciplinary action. 3 V.S.A. §129a(a)(9).

Facts

- 3) Respondent, Crystal R. Dubuque, is licensed as a cosmetologist by the State of Vermont holding license number 010-0003605.
- 4) Respondent was originally licensed on March 12, 1999 and her license expired on November 30, 2001 and is currently extended.
- 5) By way of history, Respondent was convicted of the following felony crime(s):
 - a) Criminal Possession of a Controlled Substance, specifically cocaine, in the

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GENERAL
109 State Street
Montpelier, VT
05609

Third Degree, in violation of New York Penal Law §220.16(1).

- 6) The above conviction concerns the Respondent possession cocaine with the intent to sell.
- 7) On or about, November 29, 2002 Respondent was paroled with specific conditions. (Attached and incorporated).
- 8) Respondent is currently on parole and is currently in compliance with the requirements of her release.
- 9) The Board was informed by the Respondent of her arrest and conviction on her renewal application.

Charges

- A. The acts and circumstances described above constitute unprofessional conduct pursuant to:
 - (1) 3 V.S.A. §129a(a)(9) (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

- B. The Respondent understands that the Board of Barbers and Cosmetologists must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
- C. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

- D. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
- E. The Respondent agrees that she has had sufficient opportunity to consult with legal counsel before signing this document.
- F. The Respondent agrees to settle the charge against her on the terms set forth in this order and is voluntarily waiving her right to a contested hearing before the Board of Barbers and Cosmetologists.
- G. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Barbers and Cosmetologists.

Consent Order

H. Based on the above stipulations, it is **ADJUDGED** as follows:

(1) The "Facts" listed above are true; and

(2) The Respondent has engaged in unprofessional conduct in that the Respondent has:

(a) Been convicted of a felony, specifically possession cocaine with the intent to sell.

I. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** as follows:

(a) The Board hereby **INDEFINITELY CONDITIONS** Respondent's license commencing on the date of entry of this order.

I. The **CONDITIONS** on Respondent's license would be as follows:

(1) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until respondent is no longer under the custody of the State of New York and/or Vermont and is released from furlough, probation and/or parole.

(3) Compliance with Furlough, Parole, Probation or Similar Conditions

Respondent shall fully comply with all terms, conditions and requirements of her furlough, probation, parole or similar conditions or release. Respondent shall provide the Board with any changes in her conditions within one (1) week of the change.

(4) Reports from Furlough/Parole/Probation or Similar Officer

Respondent shall authorize and cause her furlough, probation, parole or similar officer to submit to the Board evidence of satisfactory progress with the terms, conditions and requirements of her furlough, probation, parole or similar release during the effective period of this Consent Order. These reports shall be submitted in writing on forms issued by the Board. The first report is due commencing the month after the date of entry of this Consent Order and subsequent reports are due every month thereafter.

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

(5) Interview with the Board or its designee.

Respondent shall appear in person for interviews with the Board or its

designee upon request.

(6) Re-issue of License.

Upon the imposition of these conditions, and successful completion of the competency evaluation test, Respondent shall be issued a license labeled "conditioned".

(7) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment, personal address, or telephone number.

(8) Notification to Employers.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting in which she practices as a barber or cosmetologist and inform them of her conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any subsequent employment, Respondent shall cause her immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

(9) License Renewal.

In the event Respondent's license is scheduled to expire during the period this Consent Order is in effect, Respondent shall apply for renewal of the license,

pay the applicable fee, and otherwise maintain qualifications to practice in the State of Vermont.

(10) Costs.

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

(11) Violation of the Consent Order.

If Respondent violates the terms of this Consent Order in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke the terms of the conditional license and take further disciplinary action.

If a complaint or charges are filed against Respondent during the term of this Consent Order, the conditional license period shall be extended until the matter is final.

(12) Completion of Conditional License Period.

Upon completion of the conditional license period, Respondent may petition the Board to remove any and all conditions on her license and after formal review by the Board, Respondent's license may be fully restored by appropriate Board action. Respondent, however, must present proof of successful substance abuse rehabilitation and demonstrate, to the satisfaction of the Board, that she poses no danger to the practice of the profession and that she can safely and competently perform the duties required of her. Such proof shall include appropriate support from her employer and/or counselor.

Furthermore, Respondent shall demonstrate, to the Board's satisfaction, that she fully complied with all the terms of this Consent Order.

J. Notwithstanding any provision above, Respondent must meet all Board of

Barbers and Cosmetologists requirements for license 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 the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:

**BY: CRYSTAL R. DUBUQUE
RESPONDENT**

Date: JAN 30, 03

Crystal Dubuque
Crystal R. Dubuque

AND BY:

**STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL**

Date: 2/11/03

George C. Haegele IV
George C. Haegele IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

**BOARD OF BARBERS AND
COSMETOLOGISTS**

Date: 3/17/03

Jamie Gosman
Chairperson

Dated entered: 03/24/03

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

EXECUTIVE DEPARTMENT - DIVISION OF PAROLE & PUNISHMENT
STATE OF RELEASE TO PAROLE SUPERVISION

RELEASE FUNDS \$116.87

SENTENCE: INDETERMINATE ~~FIX TERM~~ DEFINITE

NYSID NO. 9781890P

DUBUQUE, Crystal 01 G 0718 now confined in Albion C.F. who was convicted of CPCS 3rd

and sentenced in the county of New York at a term of the Supreme Court, Judge Atlas presiding

on the 18th day of ~~May~~ ^{CPD} May 20 01 for the term of 2-0/6-0 the maximum term of which sentence

expires on the 29th day of Nov. ~~XXXX~~ ^{CPD} CPD 20 06, has agreed to abide by the conditions to which ~~she~~ (she)

has signed (~~her~~) name below, and is hereby granted Conditional Release/ Parole by the Board of Parole, by virtue of the authority conferred by New York State Law.

It is therefore directed that ~~she~~ (she) be released and placed under legal jurisdiction of the Division of Parole until the 29th

day of November, 20 ~~01~~ ^{CPD} 06

Signed this 10th day of September, 20 02 at Albion Correctional Facility

Date of Release: October 2, 2002 Board of Parole:

[Handwritten signatures and names of Board of Parole members]
M. SMITH, JR.
R. GUY VIZZIE

I, DUBUQUE, Crystal, voluntarily accept Parole supervision, I fully understand that my person, residence and property are subject to search and inspection, I understand that Parole supervision is defined by these Conditions of Release and all other conditions that may be imposed upon me by the Board or its representatives, I understand that my violation of these conditions may result in the revocation of my release.

CONDITIONS OF RELEASE

1. I will proceed directly to the area to which I have been released and, within twenty-four hours of my release, make my arrival report to that Office of the Division of Parole unless other instructions are designated on my release agreement. **YOU ARE TO REPORT IMMEDIATELY UPON ARRIVAL TO PO BARBARA CHAPERON, ST. ALBANS CCSC OFFICE, 104 HOUGHTON ST., ST. ALBANS VT**
2. I will make office and/or written reports as directed. (802) 527-5444
3. I will not leave the State of New York or any other state to which I am released or transferred, or any area defined in writing by my Parole Officer without permission.
4. I will permit my Parole Officer to visit me at my residence and/or place of employment and I will permit the search and inspection of my person, residence and property. I will discuss any proposed changes in my residence, employment or program status with my Parole Officer. I understand that I have an immediate and continuing duty to notify my Parole Officer of any changes in my residence, employment or program status when circumstances beyond my control make prior discussion impossible.
5. I will reply promptly, fully and truthfully to any inquiry of or communication by my Parole Officer or other representative of the Division of Parole.
6. I will notify my Parole Officer immediately any time I am in contact with or arrested by any law enforcement agency. I understand that I have a continuing duty to notify my Parole Officer of such contact or arrest.
7. I will not be in the company of or fraternize with any person I know to have a criminal record or whom I know to have been adjudicated a Youthful Offender except for accidental encounters in public places, work, school or in any other instance with the permission of my Parole Officer.
8. I will not behave in such manner as to violate the provisions of any law to which I am subject which provide for a penalty of imprisonment, nor will my behavior threaten the safety or well-being of myself or others.
9. I will not own, possess, or purchase any shotgun, rifle or firearm of any type without the written permission of my Parole Officer. I will not own, possess or purchase any deadly weapon as defined in the Penal Law or any dangerous knife, dirk, razor, stiletto, or imitation pistol. In addition, I will not own, possess or purchase any instrument readily capable of causing physical injury without a satisfactory explanation for ownership, possession or purchase.
10. In the event that I leave the jurisdiction of the State of New York, I hereby waive my right to resist extradition to the State of New York from any state in the Union and from any territory or country outside the United States. This waiver shall be in full force and effect until I am discharged from Parole or Conditional Release. I fully understand that I have the right under the Constitution of the United States and under law to contest an effort to extradite me from another state and return me to New York, and I freely and knowingly waive this right as a condition of my Parole or Conditional Release.
11. I will not use or possess any drug paraphernalia or use or possess any controlled substance without proper medical authorization.
12. Special Conditions:

- ~~I will seek, obtain and maintain employment, education, substance abuse treatment or other program.~~
- ^{CPD} I will seek, obtain and maintain employment and/or an academic/vocational program.
- I will submit to substance abuse testing as directed by PO.
- I will participate in a substance abuse treatment program as directed by PO.
- I will participate in an alcohol abuse treatment program as directed by PO.
- I will abstain from the consumption of all alcoholic beverages. I will not frequent any establishment where alcohol is sold or served as its main business without PO permission. I will abide by a curfew.
- 13. I will fully comply with the instructions of Parole Officer and obey such special additional written conditions as he, a Member of the Board of Parole or an authorized representative of the Division of Parole, may impose. I will not associate in any way or communicate by any means with my ~~associate~~ ^{CPD} ~~without PO permission.~~

I hereby certify that I have read and that I understand the foregoing conditions of my release and that I have received a copy of this Certificate of Release.

Signed this 1st day of October, 20 02

Released: Crystal Dubuque Witness: *[Signature]* FBI