

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

In re: Amaci Hair Studio
License No. 012-0002230

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Docket No. CO 09-1105

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 August 20, 2007 at the National Life Building in Montpelier, Vermont. The Respondent did not attend and was not represented by counsel.

Findings of Fact

1. Respondent 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. The Respondent's shop license expired on November 30, 2005.
3. The Respondent shop was sent notice of the Charges against it by certified mail dated May 18, 2007 at its last known address. The return on the envelope indicated "Moved, Left no Address."
4. A first class letter to it was also returned, this time with the notation, "Not Deliverable as Addressed."
5. Notice of the default hearing scheduled for today was mailed to that same address by certified mail dated June 21, 2007.
6. The Respondent has not answered the charges.
7. The owner of the shop in this matter, Caleb Garner. A notice was sent to Caleb Gardener c/o Metropolitan Hair where is was reported to have been working. That notice was returned and was marked "Unable to Forward." Mr. Garner has no other address on record with the Office of Professional Regulation.
8. Upon hearing the State's presentation and taking notice of its own file, the Board finds the Respondent to be in default. The allegations contained in the State's specification of charges dated May 15, 2007 (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

The Respondent has received adequate notice of the charges against it 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 unprofessional conduct alleged in the State's Specification of Charges did occur.

Order

In accordance with the above findings of fact and conclusions of law, the license of the Respondent is hereby **revoked**, effective as of the date of the hearing.

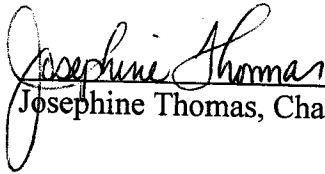
Appeal Rights

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, 26 Terrace Street, Montpelier, Vermont 05609-1101 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:


Josephine Thomas, Chair

Date: August 20, 2007

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/31/07

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

IN RE:)
AMACI HAIR STUDIO) **Docket No: CO09-1105**
License No. 012-0002230)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Amaci Hair Studio:

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 Respondent, Amaci Hair Studio (the Studio), is licensed as a Cosmetology Shop in the State of Vermont under license number 012-0002230. This license was originally issued on or about January 16, 2005 and lapsed on November 30, 2005.
3. At all times relevant, Walter D. Wood owned Metropolitan Hair (the Shop), a licensed cosmetology shop located at 163 Pearl Street in Burlington, Vermont.
4. On or about February 3, 2005, the Vermont Secretary of State's Office received notification that Mr. Wood would be acting as Apprentice Supervisor for Caleb Garner as Mr. Garner completed the apprenticeship requirements for obtaining a cosmetology license.
5. The location indicated on the Supervisor/Apprentice Notification where the apprenticeship would take place was the Studio, which is located in Montpelier, Vermont.
6. On or about October 28, 2005 Board Chair Janice Crossan conducted a routine inspection of the Studio. Ms. Crossan submitted an inspection report noting the following deficiencies:
 - a. Upon entry into the Studio, Ms. Crossan observed Mr. Garner working on a client without Mr. Wood present. Although Mr. Garner was the registered owner of the Studio at the time of the inspection, he had not yet fulfilled his cosmetology apprenticeship requirements and therefore was not licensed. When Ms. Crossan asked Mr. Garner why he was working on a client without Mr. Wood's supervision, Mr. Garner replied that Mr. Wood had stepped out of the Studio and would be back

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

shortly. Ms. Crossan waited for approximately thirty (30) minutes, but Mr. Wood did not return.

- b. The licenses of Studio employees were not posted by the front entrance of the Studio;
- c. The Studio did not possess a blood spill kit at the time of the inspection; and
- d. There were no material safety data sheets on record at the time of the inspection.

Charges

7. The above acts, omissions and/or circumstances described above and detailed below, constitute unprofessional conduct in violation of:

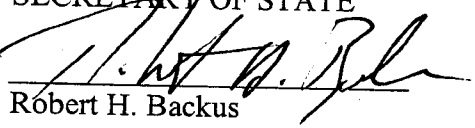
- i. RBBC, Part 3., Rule 3.12(B)(1) (General requirements for shops: the shop must have a designated licensee on the premises who is responsible for overall cleanliness and sanitation of the shop. The shop owner is responsible at all times for the overall cleanliness and sanitation of the shop);
- ii. RBBC, Part 3., Rule 3.12(B)(4) (The shop license and all personnel licenses shall be displayed together at eye level at the front entrance of the shop);
- iii. RBBC, Part 3., Rule 3.9(2) (At no time shall a supervisor of an apprentice have more than one apprentice nor shall the apprentice be allowed to work if the supervisor is not available);
- iv. RBBC, Part 3., Rule 6.3(D)(2) (Shops and facilities shall have a blood-spill clean-up kit);
- v. RBBC, Part 3., Rule 6.3(D)(1) (Shops and facilities shall have, in the immediate working area, a binder with all Material Safety Data Sheets (MSDS) for chemical products used. These are provided by manufacturers);
- vi. 3 V.S.A. §129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice.); and
- vii. 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).

Relief Requested

WHEREFORE, the license of Amaci Hair Studio should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 15th day of May 2007.

STATE OF VERMONT
SECRETARY OF STATE

By: 
Robert H. Backus

State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107