

STATE OF VERMONT
BOARD OF BARBERS AND COSMETOLOGISTS

In re: THOMAS C. LEE
License No. 086-0000194
&
Angel Nails
License No. 012-0001916

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Docket No. CO 10-1201

PRESENT: Madeline Roy, Member
Josephine Thomas, Member
Jaylene Lamberti, Ad Hoc Member

APPEARANCES: George C. Haegele IV, Assistant Attorney General
for the State of Vermont

Thomas C. Lee, Respondent, *pro se*

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

INTRODUCTION

This matter came before the Board of Barbers and Cosmetologists (Board) for hearing on the Specification of Charges filed by the Vermont Attorney General's Office and dated April 1, 2002. The Board held a hearing on the merits on July 15, 2002. Based on the evidence that was presented at the hearing, the Board makes the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Respondent, Thomas C. Lee, is licensed as a manicurist by the State of Vermont holding license number 086-0000194. Respondent Lee was originally licensed on February 25, 2000, and Respondent's license was summarily suspended by Board Order on March 18, 2002.
2. Respondent, Angel Nails, is licensed as a shop and holds license number 012-0001916. Respondent, Angel Nails, was originally licensed on August 6, 2000, and Respondent's shop license expired on November 30, 2001. The license was additionally summarily suspended by Board Order on March 18, 2002.
3. In February, 2001, Respondent Lee sold the shop Angel Nails to another individual. Respondent Lee failed to cancel the shop license of Angel Nails and failed to otherwise notify the Board that he had sold the shop. The individual that purchased Angel Nails was not licensed in the State of Vermont.

4. On or about March, 2002, several employees of Angel Nails were performing manicuring services without the proper licenses. The owner of Angel Nails failed to adequately supervise the employees that were engaging in the practices of cosmetology without proper Vermont licenses.
5. Because Respondent Lee had not canceled the shop license of Angel Nails and did not otherwise notify the Board, he was at all times responsible for the Respondent shop, Angel Nails. He was not aware that unlicensed employees were practicing cosmetology at Angel Nails, and thereby failed to comply with state rules and failed to adequately supervise the employees.
6. Respondent Lee has cooperated fully with the investigation of this matter.

CONCLUSIONS OF LAW

- A. Respondent Angel Nails' actions, by failing to adequately supervise employees engaged in any of the practices of cosmetology, constitute unprofessional conduct in violation of 26 V.S.A. § 288(3).
- B. Respondent Angel Nails, by failing to have on the premises a designated licensee responsible for adequate supervision of employees and overall cleanliness, failed to comply with provisions of state statutes or rules governing the practice of cosmetology and thereby engaged in unprofessional conduct under 3 V.S.A. § 129a(a)(3).
- C. Respondent Lee, by failing to cancel the shop license of Angel Nails or otherwise notify the Board of its sale, constituted unprofessional conduct in violation of 3 V.S.A. § 129a(a)(3).

ORDER

Based on the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED by the Board that:

1. The shop license of Respondent Angel Nails is **REVOKED**;
2. The license of Respondent Lee is **REPRIMANDED**, and is **CONDITIONED** subject to the following terms and restrictions:
 - A. If Respondent Lee ever returns to Vermont to practice cosmetology, he must immediately notify the Board and the Office of Professional Regulation, and he must fully comply with State statutes and rules laws governing the practice;
 - B. If Respondent Lee ever applies for a shop license, he must notify the Board and the Office of Professional Regulation that all employees are properly licensed in Vermont;
 - C. If Respondent Lee ever returns to Vermont to practice cosmetology, he must retake and successfully complete the Rules and Regulation portion of the licensing examination;

- D. If Respondent Lee ever returns to Vermont to practice cosmetology, he shall not be permitted to supervise any apprentice for a period of one year from the date of his return to practice in Vermont.

APPEAL RIGHTS

This is a final administrative decision. A party may appeal this decision by filing a written notice of appeal with the Director of the Office of Professional Regulation, Office of the Secretary of State, within 30 days of the date of entry of this decision.

BOARD OF BARBERS AND COSMETOLOGISTS

Madeline Roy
Madeline Roy, Board Member

Date

Josephine Thomas
Josephine Thomas, Board Member

21 October 2002
Date

Jaylene Lambert
Jaylene Lambert, Ad Hoc Member

10/21/02
Date

Date of Entry: 10/21/02