

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

IN RE:)
CRYSTAL R. DUBUQUE) **Docket No: CO14-1008**
License No. 010-0003605)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont through Robert H. Backus and the Respondent, Crystal R. Dubuque and enter into the following stipulation and consent order.

Board Authority

1. The Vermont Board of Barbers and Cosmetologists has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Cosmetologists, Barbers, Estheticians and Manicurists 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. Respondent, Crystal R. Dubuque, is licensed in the State of Vermont as a Cosmetologist under license number 010-0003605. This license was originally issued on or about March 12, 1999 and is currently set to expire on November 30, 2009.
3. The Respondent's license is currently conditioned pursuant to a Stipulation and Consent Order (the Order) entered by the Board on or about March 12, 2003 and a Stipulation and Consent Order (Order 2) dated March 24, 2008. (Attachments A and B). These Orders were due to the Respondent's conviction of Criminal Possession of a Controlled Substance (felony) in New York State in approximately October of 2002 as well as misdemeanor guilty pleas in Chittenden County District Court as discussed more fully below.
4. On or about August 20, 2007, the Respondent pled guilty to one (1) count of False Info – LE Officer/Implicate Another (misdemeanor) and one (1) count of False Pretenses or False Tokens (misdemeanor) in Chittenden County District Court. These convictions resulted from the Respondent using A.H.'s debit card to make several purchases without A.H.'s permission in approximately March of 2007. In an affidavit written by Officer Robert Hall (Officer Hall) of the Essex Police Department dated April 3, 2007, Officer Hall advised that the Respondent claimed she had A.H.'s permission to purchase gasoline with the card. The Respondent further advised that she was working at Burns & Company, a licensed cosmetology shop located in Essex, Vermont, at the time. When Officer Hall contacted A.H., A.H. advised that she had never given the Respondent permission to use her debit card and that she had lost her debit card at Burns & Company the previous weekend.

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5. On or about August 20, 2007, the Respondent pled guilty to two (2) additional counts of False Pretenses or False Tokens (misdemeanor) in Chittenden County District Court. These convictions resulted from the Respondent cashing checks that did not belong to her on approximately April 22 and April 23, 2007.
6. On or about August 20, 2007, the Respondent pled guilty to four (4) additional counts of False Pretenses or False Tokens (misdemeanor) in Chittenden County District Court. These convictions resulted from the Respondent using D.R.'s debit card to make purchases on at least four (4) occasions without D.R.'s permission on approximately June 12, 2007.
7. On or about August 20, 2007, the Respondent pled guilty to one (1) additional count of False Pretenses or False Tokens (misdemeanor) in Chittenden County District Court. This conviction resulted from the Respondent using J.D.'s debit card to make several purchases without J.D.'s permission on approximately July 13, 2007.
8. In all, the Respondent pled guilty to eight (8) counts of False Pretenses or Tokens and one (1) count of False Information to a Police Officer/Implicate Another, in Chittenden County District Court. Respondent is in Drug Court with sentencing pending the outcome of those proceedings.
9. The Board summarily suspended the Respondent's license on or about September 17, 2007.

Charges

10. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:
 - i. 3 V.S.A. § 129a(a)(10) (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);
 - ~~ii. 3 V.S.A. § 129a(a)(1) (Fraudulent or deceptive procurement or use of a license);~~
 - iii. By stealing a debit card from a client (A.H.) Respondent has violated 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, but is not limited to, failure to conform to the essential standards of acceptable and prevailing practice); and
 - iv. 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).

Understandings

- 11) The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.

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- 12) The 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 the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
- 14) The Respondent is voluntarily waiving her right to a contested hearing before the Board.
- 15) Respondent agrees that the State has sufficient evidence for the Board to find that Respondent has engaged in unprofessional conduct and that the Order set forth below may be entered by the Board.

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:

- A. The Respondent has engaged in unprofessional conduct as set out above.
- B. The Board of Barbers and Cosmetologists hereby **CONDITIONS** the Respondent's license commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:
 - 1) The Respondent must comply with all conditions of the terms of her release as well as the conditions of her current residential treatment facility rules. If the Respondent is sanctioned for any reason she must inform the Board within five days, by phone and in writing.
 - 2) "Sanction" includes, but is not limited to, being incarcerated again, being removed from her current inpatient treatment program, being placed on "work crew," being arrested for any reason, and/or violating the terms of her court ordered obligations.
 - 3) If the Respondent is sanctioned the State may request a hearing at which the Board shall consider amending these conditions or suspending Respondent's license pending further proceedings.
 - 4) Respondent must abide by all current and future conditions of release imposed by any court.
 - 5) Respondent shall engage in any treatment required by the Department of Corrections to their satisfaction and report back to OPR the status of her efforts.

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- 6) Within 30 days Respondent shall provided the Board with: a) a copy of all conditions imposed on her by her inpatient facility she is currently at; and, b) a release to permit the Board, investigators, and prosecuting attorney to obtain information from the facility and any counselor or other treatment provider about compliance with any requirements of the Department of Corrections and the facility itself. Should the conditions change or her treatment providers or therapists change Respondent shall provided the Board with updated conditions and releases as needed within fifteen days of the changes.
- 7) Respondent shall only work as permitted by the inpatient facility she now resides at.
- 8) Respondent shall arrange to have quarterly reports made to the Board concerning her compliance with requirements imposed on her by the Department of Corrections and facility.
- 9) Should Respondent be charged with a crime in any jurisdiction she shall notify the Board within 5 days.
- 10) Should Respondent be charged with violating conditions imposed upon her by the Department of Corrections, the inpatient facility she now resides, or is incarcerated for any reason, she shall inform the Board within 5 days.
- 11) Upon successful completion of her inpatient treatment, Respondent may petition the Board to have these conditions changed.
- 12) During the time that Respondent's license is conditioned under this order she shall provide a copy of this order to all her employers for whom she is working under a license issued by this Board. Within ten days of the commencement of employment Respondent shall have provided a letter to the Board from the employer affirming that this paragraph has been complied with. This paragraph applies to all employers.

C. 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).

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

E. A violation of this order may be unprofessional conduct and grounds for further disciplinary action.

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

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 6/16/09

By: Gregg Meyer
Gregg Meyer
State Prosecuting Attorney

Dated: 6/15/09

By: Crystal R. Dubuque
Crystal R. Dubuque
Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF BARBERS AND
COSMETOLOGISTS

Dated: 7-20-09

By: Josephine Thomas
Chairperson

Date of Entry: 7/21/09

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05609-1107

**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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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