

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

IN RE:)
CYNTHEA HAUSMAN) Docket No. CO19-0507
License No. 087-0000069)

IN RE:)
CYNTHEA'S SPA) Docket No. CO20-0507
License No. 012-0002349)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, through State Prosecuting Attorney, Gregg Meyer, Esq., and the Respondents, Cynthia Hausman and Cynthia's Spa, by and through counsel Alison Bell Esq. and Langrock Sperry and Wool, LLP who hereby stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Barbers and Cosmetologists ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, condition current licenses, or prevent the renewal of lapsed licenses. 3 V.S.A. §129(a); 3 V.S.A 129a; 3 V.S.A. §814; 26 V.S.A. §271 et seq; the Administrative Rules of the Board of Barbers and Cosmetologists; and the Rules for the Office of Professional Regulation.

Statement of Facts

2. The Respondents, Cynthia Hausman (Hausman) and Cynthia's Spa (Spa) are licensed in the State of Vermont. Hausman is licensed as an Esthetician and the Spa is licensed as a Cosmetology Shop. They hold license numbers 087-0000069 and 012-0002349 respectively. Respondent Hausman also owns and operates a licensed spa at 102 Church Street, Suite 12, Burlington, Vermont with license number 012-0002225. The spa at 102 Church Street is not the subject of this matter.

3. Respondent Spa, was a kiosk based spa located in the Burlington Town Center Mall (the Mall) at 49 Church Street in Burlington, Vermont. Said Spa has been voluntarily closed by Respondent Hausman.

4. At all times relevant, Respondent Spa was owned by Respondent Hausman.

5. On or about October 13, 2006, Respondent Hausman applied for a shop license for the kiosk based spa located in the Mall. The application was preliminarily denied on or about October 18, 2006.

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6. On or about November 20, 2006, Respondent Hausman amended her application for the kiosk based spa application to the Board.
7. This amended application included a proposed location for a kiosk that was still within the Mall, but in a different location than the location proposed in the original application.
8. The amended application was approved by the Board pursuant to an Order entered on or about November 27, 2006 (the Order) and a license for the kiosk based spa was issued. In or around late March and early April of 2007, witnesses reported that Respondent Hausman was operating a kiosk based spa in the Mall that was not in the location described in the amended application, but rather in the location described in the original application.
10. Respondent Hausman does not dispute the above stated facts.

Charges

11. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:
 - i. 26 V.S.A. § 282(b) (The practices of barbering and cosmetology shall be permitted only in shops licensed by the board, except as provided in sections 273 and 281 of this title and the rules of the board);
 - ii. RRBC, Rule 2.4 (The practices of barbering, cosmetology, esthetics, or manicure and pedicure (nail technician) are permitted only in shops licensed by the board, except as permitted in sections 281 and exempted by section 273(3) of Title 26);
 - iii. RRBC, Rule 9.2(i) (A change of shop location or ownership is considered the equivalent of opening a new shop. New shop openings may not occur without prior notice, opportunity for Board inspection, and approval by the Board);
 - iv. 3 V.S.A. § 129a(a)(4) (Failing to comply with an order of the board or violating any term or condition of a license restricted by the board); and
 - v. 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

12. This Stipulation is neither an admission of liability by the Respondents nor a concession by the State of Vermont that its charges are not well founded.
13. To avoid delay, uncertainty, inconvenience, and the expense of protracted litigation of the charges above the Parties have reached a full and final Stipulation pursuant to these Understandings and the Order below.

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14. Respondents understand that the Barber and Cosmetology Board must review and accept the terms of this Stipulation and Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
15. Respondents specifically waive any claims that any disclosures made to the full Board during its review of this agreement have prejudiced their rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
16. Respondents have read and reviewed this entire document and agree that it contains the entire agreement between the Parties.
17. Respondents are not under the influence of any drugs or alcohol at the time of signing this Stipulation and Consent Order.
18. Respondents voluntarily enter into this agreement after the opportunity to consult with legal counsel and are not being coerced by anyone into signing this Stipulation and Consent Order.
19. Respondents voluntarily waive their rights to a contested hearing before the Board and waive any right to appeal from this Stipulation and Consent Order.
20. Respondents do not contest that the State could prove the facts as alleged above by a preponderance of the evidence if this matter went to a merits hearing and therefore agree that the Order set forth below may be entered by the Board.
21. Respondent Hausman apologizes to the Board for her actions regarding this matter.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Barbers and Cosmetologists hereby revokes the license of the kiosk based spa known as Cynthea's Spa, license number 012-0002349 and Respondent Hausman agrees not to apply for a new license for same.
- B. The Board of Barbers and Cosmetology hereby suspends Respondent Hausman's Esthetician's license 087-0000069 for fourteen (14) days with said suspension beginning on September 21, 2008 if this Stipulation and Consent Order is accepted by the Board.
- C. Respondent Hausman shall pay a fine to the Board in the amount of \$500.
- D. Respondents shall bear all costs of complying with this Consent Order.
- E. Notwithstanding any provision above, Respondent Hausman must continue to meet all Barber and Cosmetology Board requirements for maintaining a license, license renewal and license reinstatement.

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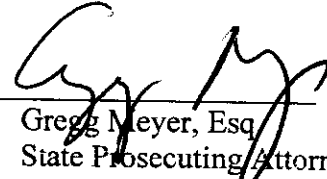
F. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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

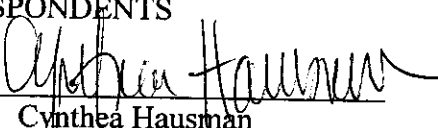
AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 9/13/08

By: 
Gregg Meyer, Esq.
State Prosecuting Attorney

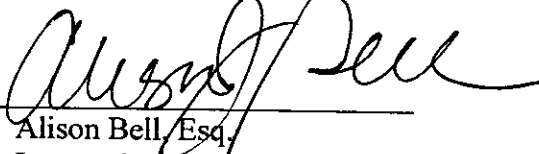
Dated: 9/8/08

Cynthea Hausman and Cynthea's Spa
RESPONDENTS
By: 
Cynthea Hausman

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

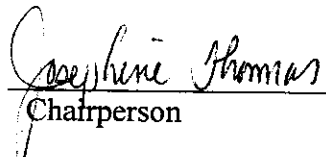
Dated: 9 September 2008

By: 
Alison Bell, Esq.
Langrock, Sperry and Wool, LLP

APPROVED AND SO ORDERED:

VERMONT BOARD OF BARBERS AND
COSMETOLOGISTS

Dated: 15 Sept 2008

By: 
Chairperson

Date of Entry: 7/16/08

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