

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

IN RE:)
GEORGINA L. MCKAY) Docket No. CO20-1207
License No. 010-0004117)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Georgina L. McKay, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Barbers and Cosmetologists (the "Board") 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. Georgina L. McKay (the "Respondent") of Swanton, Vermont is licensed by the State of Vermont as a Cosmetologist holding license number 010-0004117. The license was originally issued on or about November 18, 2003 and is currently set to expire on November 30, 2009.
3. On the Respondent's license renewal application dated November 16, 2007, the Respondent answered "Yes" to the question "Have you ever been convicted of a crime other than a minor traffic violation?"
4. On or about February 28, 2007, the Respondent was convicted of DUI #3 (felony) in the Vermont District Court for Franklin County.
5. On or about July 3, 2007, the Respondent was convicted of Vehicle Operation – License Suspended (misdemeanor) in the Vermont District Court for Franklin County.
6. The Respondent failed to report the DUI #3 conviction to the Office of Professional Regulation within thirty (30) days.
7. By way of history, the Respondent received a warning and an administrative penalty from the Board pursuant to a Stipulation and Consent Order entered on or about May

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

11, 2004. This discipline was imposed due to the Respondent working as a cosmetologist for approximately four (4) months when she was not licensed.

Charges

8. The act(s), omission(s), and/or circumstance(s) described above constitute unprofessional conduct in violation of:
- a. 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);
 - b. 3 V.S.A. § 129a(a)(11) (Failing to report to the office a conviction of any felony or any offense related to the practice of the profession in a Vermont district court, a Vermont superior court, a federal court, or a court outside Vermont within 30 days); and
 - c. 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

9. Respondent understands that the Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
10. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
11. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
12. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
13. Respondent voluntarily waives her right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
14. 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.

ORDER

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

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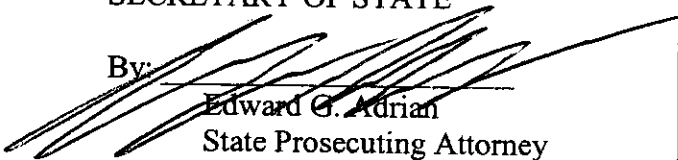
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- A. The Board of Barbers and Cosmetologists hereby **INDEFINITELY SUSPENDS** the Respondent's license to practice cosmetology for a minimum period of **SIX (6) MONTHS** commencing with the date of entry of this Consent Order. Before the Respondent may apply for reinstatement, Respondent must obtain (1) an independent evaluation report by a licensed professional specializing in drug and alcohol abuse pre-approved by the Board; and (2) the results of the treatment with the drug and alcohol abuse evaluator must indicate that the Respondent does not present a risk to the safety, health, or welfare of her potential clients. **THE RESPONDENT IS ELIGIBLE FOR REINSTATEMENT ONCE THIS IS OBTAINED.** Once reinstated, her license will be **CONDITIONED** by the Board as necessary to ensure that the Respondent engages in the safe practice of cosmetology.
- B. 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).
- C. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

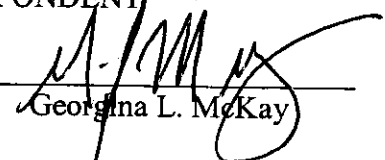
Dated: 6/27/08

STATE OF VERMONT
SECRETARY OF STATE

By: 
Edward G. Adrian
State Prosecuting Attorney

Dated: 6/20/08

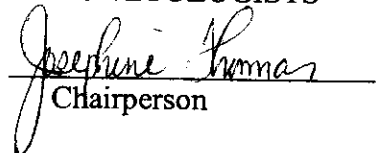
GEORGINA L. MCKAY
RESPONDENT

By: 
Georgina L. McKay

APPROVED AND SO ORDERED:

Dated: 7/21/2008

VERMONT BOARD OF BARBERS
AND COSMETOLOGISTS

By: 
Josephine Thomas
Chairperson

Date of Entry: 7/22/08

co.mckay.stip

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Prosecuting Attorney
Office of
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9 Baldwin Street
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05609-1107