

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

IN RE: KIMBERLY A. EDWARDS)	
SALON SPECIFICS, LTD.)	Docket Nos.: CO25-0208
)	CO26-0208
License Nos.: 010-0003082)	
012-0001825)	

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont and makes the following Charges against Respondents, Kimberly A. Edwards and Salon Specifics, Ltd.:

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. Respondent, Kimberly A. Edwards, was previously licensed in the State of Vermont as a Cosmetologist holding license number 010-0003082. This license was originally issued on or about March 9, 1995 and lapsed on or about November 30, 2001.
3. Respondent, Salon Specifics, Ltd., was previously licensed in the State of Vermont as a Cosmetology Shop under license number 012-0001825. This license was originally issued on or about May 18, 1999 and lapsed on or about November 30, 2001.
4. At all times relevant, Respondent, Kimberly A. Edwards owned and worked at Salon Specifics, Ltd. Upon information and belief, Respondent continued to practice cosmetology during the period in which her license was lapsed.
5. On or about June 27, 2008, Respondent spoke to the Office of Professional Regulation's Investigator Pamela Barney-Hango and advised that in 2001 she mailed a renewal application and the fee. Respondent further advised that the application and check were returned to her with a note stating that the enclosed payment was \$5.00 short.
6. During the same conversation with Investigator Barney-Hango, Respondent further advised that she called the Office of Professional Regulation and spoke with Unit Administrator Carla Preston, who informed Respondent that she should send in the renewal fee with an accompanying letter of explanation for failing to submit the renewal application and proper fee in a timely manner. The Office of Professional Regulation has

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no record of these alleged communications with Respondent.

7. Respondent informed Investigator Barney-Hango, in the June 27, 2008 conversation that she was planning on following Ms. Preston's advice that followed the return of her initial renewal application, when she received a letter, in February 2008, notifying her of a pending investigation. Respondent then advised she became confused.
8. As of the date of these charges, the Board of Barbers and Cosmetologists has not yet received a renewal fee or a letter of explanation from Respondent concerning her failure to timely submit a renewal application and the proper fee.
9. Respondent, Kimberly Edwards, continues to practice cosmetology without a license.
10. Respondent, Salon Specifics, Ltd. continues to operate as a Cosmetology shop without a license.

Charges

11. The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondents violated:
 - i. 26 V.S.A. § 272(a) (No person shall practice or attempt to practice barbering or cosmetology or use in connection with the person's name any letters, words, title or insignia indicating or implying that the person is a barber or cosmetologist unless the person is licensed in accordance with this chapter); and
 - ii. 26 V.S.A. § 272(b) (No person who owns or controls a shop or school of barbering or cosmetology shall permit the practice of barbering or cosmetology unless the shop or school is registered in accordance with this chapter).

Understandings

12. Respondents concede the State of Vermont, if required to do so, can prove the charges against them.
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.
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 its rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

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16. Respondents have read and reviewed this entire document and agree that it contains the entire agreement between the Parties.
17. Respondent is not under the influence of any drugs or alcohol at the time of signing this Stipulation and Consent Order.
18. Respondents voluntarily entered 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 right 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.

ORDER

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

- A. The Board of Barbers and Cosmetologists **WARNS** respondents for practicing without a license and hereby issues an administrative penalty in the amount of \$1,000 to be paid in four (4) installments of \$250 per month beginning in the month this Order is issued.
- B. Respondents shall bear all costs of complying with this Consent Order including retaking the cosmetology exam to have her license reinstated, applying for a license for the shop, getting the shop inspected, assigning a designated licensee for the shop, and paying all back licensing fees totaling \$630, to be paid in full upon the Order being issued.
- C. Notwithstanding any provision above, Respondent must continue to meet all Barber and Cosmetology Board requirements for maintaining a license and license renewal.
- D. 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).
- E. 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.

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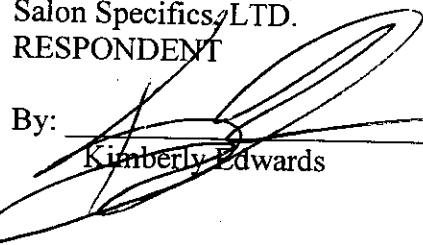
AGREED TO:

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SECRETARY OF STATE

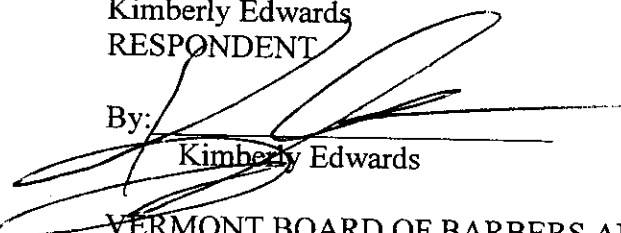
Dated: 3/9/09

By: 
Gregg Meyer, Esq.
State Prosecuting Attorney

Dated: 3/6/09

Salon Specifics, LTD.
RESPONDENT
By: 
Kimberly Edwards


Dated: 3/6/09

Kimberly Edwards
RESPONDENT
By: 
Kimberly Edwards

APPROVED AND SO ORDERED:

VERMONT BOARD OF BARBERS AND
COSMETOLOGISTS

Dated: 3/16/2009

By: 
Chairperson

Date of Entry: 3/17/09