

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

IN RE:)
JOAN E. KAVANAUGH) Docket No. CO28-0607
License No. 087-0000170)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont through prosecuting attorney Robert H. Backus and the Respondent, Joan E. Kavanaugh in person and through counsel Deborah Kirchwey 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 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. The Respondent, Joan E. Kavanaugh, is licensed as an Esthetician by the State of Vermont under license number 087-0000170. This license was originally issued on or about February 2, 2007 and is currently set to expire November 30, 2007.
3. At all times relevant, the Respondent was employed as an esthetician at Alta Day Spa located in Warren, Vermont.
4. In approximately early May of 2007, the Respondent sent an email to several individuals offering to perform waxing services in individual homes.
5. In an interview conducted by State Investigator Gregory Kelly on or about July 10, 2007, the Respondent advised Investigator Kelly that she had provided facial peels in her home for a neighbor on approximately four (4) occasions. The Respondent further advised that she was paid approximately \$160.00 for these services. The Respondent’s home was not licensed as a cosmetology shop at the time she performed the facial peels for her neighbor.
6. The Respondent performed the facial peels in her home without supervision. The Respondent had not yet worked for a total of one (1) year or 1500 hours at the time she provided these services.

Charges

7. 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 registered by the board, except as provided in section 281 of this title);
- ii. RBBC, 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. 26 V.S.A. § 288(1) (Practicing or offering to practice beyond the scope permitted by law);
- iv. RBBC, Rule 9.2(c) (Designated licensees shall have been in practice for a minimum of one year containing no fewer than 1,500 hours practice); 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

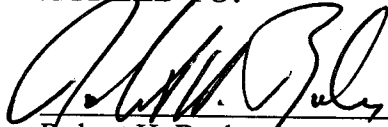
8. The Respondent understands that the Board of Barbers and Cosmetologists must review and accept the terms of the Order set forth below and that if the Board rejects all or any portion of the Order, then this entire document shall be null and void.
9. The Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
10. The Respondent is not under the influence of any drugs or alcohol at the time this document is being signed.
11. The Respondent agrees that there has been sufficient opportunity to consult with legal counsel before signing this document.
12. The Respondent is voluntarily waiving all rights to a contested hearing before the Board of Barbers and Cosmetologists.
13. The respondent is voluntarily waiving any right to appeal from any order of the Board entered in conformity to this stipulation.
14. The Respondent agrees that the Order set forth immediately below may be entered by the Board of Barbers and Cosmetologists.

Order

15. Based on the above stipulations the Board finds that the parties have agreed that the Board may find the above facts as true and as proving that Respondent has committed unprofessional conduct. The Board so finds.

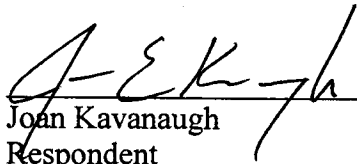
16. The Board of Barbers and Cosmetologists hereby **WARNS** Respondent's license.
17. The Board orders Respondent to **pay an administrative penalty** of \$250.00 to the Vermont Secretary of State within 120 days of the entry of this order. Failure to do so is a violation of this order.
18. This Stipulation 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).
19. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

AGREED TO:



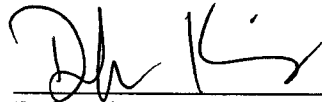
Robert H. Backus
Prosecutor
Office of Professional Regulation
Secretary of State

Date: 9-17-07



Joan Kavanaugh
Respondent

Date: 9-11-07



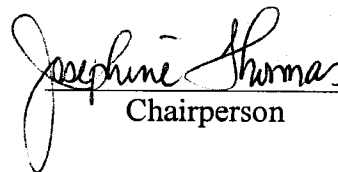
Deborah Kirchwey
Attorney for Respondent

Date: 9-11-07

APPROVED AND SO ORDERED:
VERMONT BOARD OF BARBERS AND COSMETOLOGISTS

Dated: 17 Sept 2007

by:


Chairperson

Date of Entry: 9/18/07

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