

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

IN RE:)
KILLINGTON GRAND HOTEL) Docket No: ULP-CO24-0306

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont through State Prosecuting Attorney Robert H. Backus, and the Respondent, through Michael Solimano, and enter into the following Stipulation and Consent Order.

Agreement

The parties agree that the facts set out below are true and that the Board may enter the Order set out below.

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. On or about January 14 to January 15, 2006, the Respondent provided facials for seven (7) guests staying at its hotel located in Killington, Vermont. These facials were provided as part of a variety of spa treatment services offered by the Respondent during that time period. These facials were required by law to be performed by a licensed esthetician.
3. At that time, the Respondent had not yet applied for a Vermont cosmetology shop license.
4. The Respondent ceased offering spa treatments after one day, pending its receipt of proper licensure.
5. The facials were performed by licensed esthetician, D.M.

Charges

6. By providing facials in an unlicensed shop Respondent violated:

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

STATE OF VERMONT



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

of this title).

Understandings

7. 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.
8. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
9. 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.
10. The Respondent is voluntarily waiving its right to a contested hearing before the Board.
11. 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.
12. WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

13. Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:
14. Respondent has provided esthetician services without being properly licensed. An administrative penalty of two thousand dollars (\$2000.00) is imposed.
15. 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).
16. 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.
17. A violation of this order may be unprofessional conduct and grounds for further disciplinary action.

STATE OF VERMONT



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AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 8/8/06

By: [Signature]
Robert H. Backus
State Prosecuting Attorney

Dated: 7/26/06

By: [Signature]
For Respondent Killington Grand Hotel
Michael Solimano
Vice President for Finance

APPROVED AND SO ORDERED:

VERMONT BOARD OF BARBERS AND
COSMETOLOGISTS

Dated: 8/21/06

By: [Signature]
Chairperson

Date of Entry: 8/23/06

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

IN RE:
KILLINGTON GRAND HOTEL

)
Docket No: ULP-CO24-0306

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Killington Grand Hotel:

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. On or about January 14 to January 15, 2006, the Respondent provided facials for seven (7) guests staying at its hotel located in Killington, Vermont. These facials were provided as part of a variety of spa treatment services offered by the Respondent during that time period.
3. At that time, the Respondent had not yet applied for a Vermont cosmetology shop license.
4. The Respondent ceased offering spa treatments after one day, pending its receipt of proper licensure.
5. The facials were performed by licensed esthetician, D.M. D.M.'s license is currently conditioned pursuant to a Stipulation and Consent Order entered by the Board on or about February 14, 2005 and modified by the Board on or about May 27, 2005.

Charges

6. For each of the seven (7) facials Respondent provided to its guests without a cosmetology shop license, 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).

Relief Requested

STATE OF VERMONT

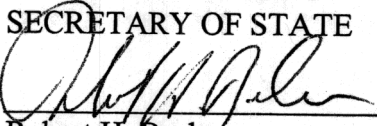


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WHEREFORE, the Respondent, Killington Grand Hotel, should be fined a civil penalty or be otherwise disciplined.

DATED at Montpelier, Vermont this 1st day of May 2006.

STATE OF VERMONT
SECRETARY OF STATE

By: 
Robert H. Backus
State Prosecuting Attorney

co.killingtongrand.soc

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