

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES

Rec'd
3-5-91
B

In Re: Charles Joseph, H.C. Petition No. 901003-20-019
License No. 2257
7678 Oakville Road
Griswold, CT 06351

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND:

The Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians ("Board") was presented with a Statement of Charges by the Department of Health Services, dated October 5, 1990, brought against Charles Joseph, Hairdresser/Cosmetician ("Respondent"). (Dept. Ex. A). The Statement of Charges alleged, in Count One a violation of Connecticut General Statutes §20-263 in that Respondent failed to comply with the Board's order contained in its Memorandum of Decision dated 10/18/87 (Dept. Ex. A). A copy of that 10/18/87 Memorandum of Decision is attached for reference.

A Notice of Hearing, dated October 5, 1990, was issued to Charles Joseph, Hairdresser/Cosmetician and his attorney. Both the Notice of Hearing and Statement of Charges were sent to the Respondent and his attorney. The Respondent did appear but was not represented by counsel during the hearing.

Prior to the initiation of the instant charges, Respondent was given the opportunity to show compliance with all lawful requirements pursuant to Connecticut General Statutes §4-182(c). (Dept. Ex. A).

Each member of the Board involved in this decision attests that he/she reviewed the record of this proceeding and/or was present at the hearing and that this decision is based entirely on the record, and their professional knowledge.

This Memorandum of Decision sets forth the Board's findings of fact, conclusions of law, and order.

FINDINGS OF FACT

After consideration of the entire record the findings of fact are the following:

1. Respondent Charles Joseph, Hairdresser/Cosmetician, is the holder of Connecticut Hairdresser and Cosmetican License Number 2257, and he held that license at all times relevant to the Statement of Charges.
2. On October 18, 1987 a Memorandum of Decision was issued by the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians against Charles Joseph, H/C which required that:

- "1. The Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00), payable by certified check to the State Treasurer within thirty (30) days of the effective date of this order.
2. The Respondent shall be placed on probationary status for a period of one year, subject to the following conditions:
 - a. that Respondent shall not employ any hairdresser or cosmetician in his place(s) of business who are not licensed as such by the State of Connecticut Department of Health Services;
 - b. that Respondent shall, within thirty (30) days of the effective date of this order, provide to the Department of Health Services Hearing Office, 150 Washington Street, Hartford, CT 06106, a complete list of the names and addresses of all hairdressers or cosmeticians employed by him within Connecticut. Should the Respondent hire any new hairdressers or cosmeticians during the one-year probationary period, Respondent shall immediately notify the above-referenced Hearings Office of their names and addresses."
3. He did not do one or more of the following: (a) pay the one thousand dollar civil penalty, or (b) submit a complete list of names and addresses of all hairdressers or cosmeticians employed by him within Connecticut, or (c) submit the names of any hairdressers or cosmeticians hired during the one-year probationary period.

DISCUSSION AND CONCLUSIONS OF LAW:

1. The hearing was held in accordance with Chapters 54 and 387 of the Connecticut General Statutes and Section 19-2a-1 through 19-2a-30 of the Public Health Code.

2. The Board concludes that the evidence is sufficient to establish a failure to comply with their order of the 10/18/87 Memorandum of Decision and consequently that failure is incompetent or negligent conduct in the course of professional activities in violation of Connecticut General Statutes §20-263.

ORDER:

Pursuant to its authority under Connecticut General Statutes §§20-263 and 19a-17 the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians in the case of Charles Joseph, Hairdresser/Cosmetician, hereby orders the following:

1. The Respondent shall comply with the monetary order of the 10/18/87 Memorandum of Decision and pay the penalty of one thousand dollars (\$1,000.00), and
2. The Respondent shall pay one additional monetary penalty of five hundred dollars (\$500.00), and
3. The Respondent shall be placed on probation for 3 (three) years subject to the following conditions:
"Within thirty (30) days of the effective date of this order he shall provide to the Department of

Health Services Hearing Office, 150 Washington Street, Hartford, CT 06106, a complete list of the names and addresses of all hairdressers or cosmeticians employed by him within Connecticut. Should the Respondent hire any new hairdressers or cosmeticians during the three-year probationary period, Respondent shall immediately notify the Hearing Office of their names and addresses."

The total \$1,500.00 penalty cited in this order shall be paid by certified check payable to Treasurer, State of Connecticut and shall be sent within thirty (30) days of the effective date of this order to:

Stephen Varga, Esquire
Department of Health Services, Hearing Office
150 Washington Street St.
Hartford, CT 06106

This order is effective on the 45th day (appeal period) after the signature of the Board.

Feb. 25-1991
DATE

Ralph Cobuzzi
by: Ralph Cobuzzi, Chairman
CT Examining Board for Barbers,
Hairdressers & Cosmeticians