

**STATE OF CONNECTICUT  
CONNECTICUT EXAMINING BOARD FOR BARBERS,  
HAIRDRESSERS AND COSMETICIANS**

Patricia Gardiner

Petition No. 2007-1128-020-030

**MEMORANDUM OF DECISION**

*Procedural Background*

On January 28, 2008, the Department of Public Health ("Department") presented the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians ("Board") with a Statement of Charges ("Charges") and a Motion for Summary Suspension against license number 029626 of Patricia Gardiner ("respondent"). Board. Exh. 1. The Motion for Summary Suspension was based on the Statement of Charges, affidavits, and the Department's information and belief that respondent's continued practice of hairdressing and cosmetology represented a clear and immediate danger to the public health and safety. The Statement of Charges alleges that respondent violated Conn. Gen. Stat § 20-263 *et seq.* Board. Exh. 1.

On January 28, 2008, the Board granted the Department's motion and ordered respondent's license summarily suspended pending a final determination by the Board regarding the allegations contained in the Statement of Charges. Board Exh. 1.

A hearing was scheduled for February 11, 2008. The Summary Suspension Order, Notice of Hearing and Statement of Charges was delivered to respondent by certified mail on February 7, 2008. Board. Exh. 1.

On February 11, 2008, the Board held an administrative hearing to adjudicate respondent's case. Respondent neither appeared nor was represented. Attorney Ellen Shanley represented the Department. Transcript, p. 3.

Respondent did not file an Answer to the Statement of Charges.

During the hearing, the Department moved to deem the charges admitted because of respondent's failure to file an Answer. The Board granted the motion. Dept. Exh. 1; Transcript, pp. 6-7.

The Board conducted the hearing in accordance with Connecticut General Statutes Chapter 54 (the Uniform Administrative Procedure Act) and §§ 19a-9-1, *et seq.* of the Regulations of Connecticut State Agencies (“Regulations”). All Board members involved in this decision received copies of the entire record. All Board members involved in this decision attest that they have heard the case or read the record in its entirety. This decision is based entirely on the record. To the extent that the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc. v. S & H. Computer Systems, Inc.*, 605 F.Supp. 816 (M.D. Tenn 1985).

### *Allegations*

1. Respondent is, and has been at all times referenced in the Charges, the holder of Connecticut hairdresser and cosmetician license number 029626.
2. On November 6, 2006, the Board ordered a Consent Order in Petition Number 2004-0803-020-020 (hereinafter “Consent Order”) that placed respondent’s hairdresser and cosmetologist license on probation for a period of one year. Such disciplinary action was based upon respondent's alleged abuse and/or utilization, to excess, of alcohol.
3. Said Order specifically provided that respondent:
  - a. submit to two random observed urine screens for alcohol, controlled substance and legend drugs per month;
  - b. submit monthly laboratory reports of said screens to the Department;
  - c. provide quarterly reports to the Department concerning her attendance at “anonymous” or support group meeting;
  - d. provide quarterly employer reports to the Department from her employer/associate; and/or,
  - e. report any arrest under the provisions of Conn. Gen. Stat. § 14-227 a to the Department within fifteen days of such event.
4. During the period of probation, respondent has failed to submit to said screens in a timely manner.
5. During the period of probation, respondent has failed to submit said laboratory reports in a timely manner

6. During the period of probation, respondent has failed to provide said group meeting reports in a timely manner.
7. During the period of probation, respondent had failed to provide said employer reports in a timely manner.
8. During the period of probation, respondent failed to timely report her arrest under the provisions of Conn. Gen. Stat. § 14-227a.
9. Respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Consent Order, and subjects respondent's license to revocation or other disciplinary action authorized by the Conn. Gen. Stat. §§ 19a-17 and 20-263.

### *Findings of Fact*

1. Respondent was provided with reasonable and adequate written notice of the allegations contained in the charges. Board Exh. 1.
2. Respondent did not file an Answer to the allegations contained in the Charges.
3. All of the factual allegations contained in the Statement of Charges are deemed admitted and true. Transcript, pp. 6-7.

### *Discussion and Conclusions of Law*

The Board finds that the Department bears the burden of proof by a preponderance of the evidence in this matter. *Steadman v. Securities and Exchange Commission*, 450 U.S. 91, 101 S.Ct. 999, *reh'g denied*, 451 U.S. 933 (1981); *Swiller v. Commissioner of Public Health*, CV 950705601, Superior Court, J.D. Hartford/New Britain at Hartford, Memorandum filed October 10, 1995.

The Board finds that the Department has sustained its burden of proof with regard to all of the allegations in the Statement of Charges. Since respondent did not file an Answer, the allegations are deemed admitted. § 19a-9-20 of the Regulations.

Accordingly, the Board concludes that there is sufficient basis upon which to issue the following order.

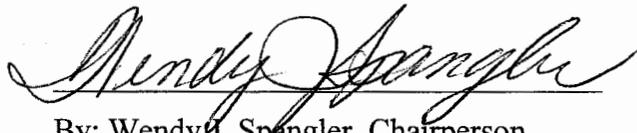
**Order**

Pursuant to the authority vested in it by Conn. Gen. Stat. §§ 19a-17 and 20-263, the Board orders that respondent's license number 029626 to practice as a hairdresser and cosmetician in the State of Connecticut is hereby revoked.

Connecticut Examining Board for Barbers,  
Hairdressers and Cosmeticians

*April 28 2008*

Date



By: Wendy J. Spangler, Chairperson  
Connecticut Examining Board for Barbers,  
Hairdressers and Cosmeticians

**CERTIFICATION**

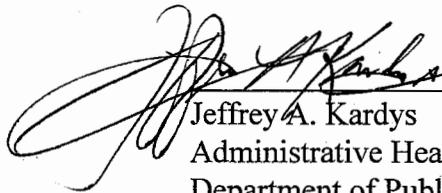
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 28<sup>th</sup> day of April 2008, by certified mail, return receipt requested and first class mail, to:

Patricia Gardiner  
1739 Foxon Road, G-7  
Branford, CT 06471

Certified Mail RRR #917108213393205554939

and by Inter-Departmental Mail to:

Stanley K. Peck, Director  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
Hartford, CT 06134-0308



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Jeffrey A. Kardys  
Administrative Hearings Specialist/Board Liaison  
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