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CONNECTICUT EXAMINING BOARD FOR BARBERS,
HAIRDRESSERS AND COSMETICIANS

RE: Angie ~~Hicks~~, H.D.
License No. 37215

MEMORANDUM OF DECISION

The Department of Health Services presented the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians (Board) with a Statement of Charges brought against Angie Hicks (Respondent) dated April 4, 1986. The Statement of Charges alleged violation of the Connecticut General Statutes §§ 20-258, 20-259, 20-260, 20-263 in that, (1) from January of 1984 until August of 1985, Respondent worked as a hairdresser when she was not licensed to do so; (2) on or about June 21, 1985, Respondent was employed as a shop manager of Savvy Hair Salon, Hartford, Connecticut, when she was not licensed as a hairdresser, and; (3) on or about June 21, 1985, Respondent applied relaxer negligently or incompetently to the hair of one Zada Griggs.

The Board scheduled a hearing on the charges for June 9, 1986, at 9:00 a.m. On May 8, 1986, the matter was rescheduled for June 9, 1986, at 11:00 a.m.

A hearing on the charges was held on June 9, 1986. The Department of Health Services was represented by Attorney Judith Lederer, Respondent was not present and was not represented.

Both parties were given the opportunity to respond and present evidence and argument on all issues and were permitted to conduct cross examination. Respondent, not being present, did not avail herself of these opportunities.

All members of the Board involved in this decision attest that they have read and reviewed all transcripts of the proceedings and all evidence submitted. The decision is based entirely on the record presented and the specialized professional knowledge of the members of the Board in evaluating the evidence.

FACTS

1. Since August of 1985, Angie Hicks has been the holder of Connecticut hairdresser license number 37215.
2. Prior to initiation of the instant charges, Respondent was given the opportunity to show compliance with all lawful requirements for the retention of her license, pursuant to Conn. Gen. Stat. § 4-182(c).
3. On May 1, 1986, and May 12, 1986, the Department of Health Services sent, by certified mail, a Notice of Hearing on

the initial charges to Respondent at 7 May Street, Hartford, Connecticut.

4. Seven May Street, Hartford, Connecticut, was Respondents address, as listed with the Department of Health Services. The Department had updated its listing on April 28, 1986.

5. Conn. Gen. Stat. § 19a-89 provides that the licensee is responsible for notifying the Department of Health Services of a change of address.

6. The notices sent to Respondent were returned unclaimed.

7. The Department of Health Services took proper steps to notify Respondent of the hearing.

8. On or about June or July, 1985, Respondent worked as a hairdresser at Savvy Hair Salon, New London, Connecticut. At that time she braided and weaved the hair of one Jackie Holiday.

9. During May and June of 1985, Respondent worked as manager at Savvy Hair Salon, Hartford, Connecticut. During this time she worked, styled, applied relaxer and conditioned the hair of one Zada Griggs.

10. Respondent did not receive her hairdresser's license until August of 1985.

11. During May, June, and July of 1985, Respondent worked as a hairdresser when she was not licensed to do so.

12. During May, June, and July of 1985, Respondent worked as a shop manager at Savvy Hair Salon, Hartford, Connecticut, when she was not a licensed hairdresser.

13. During May of 1985, Respondent applied relaxer to the hair of one Zada Griggs.

14. At the time she applied the relaxer, Respondent knew or should have known that Zada Griggs' hair had recently been colored and was too damaged to have relaxer applied to it without risk of damage.

15. The day after application of the relaxer, Zada Griggs' hair began falling out.

16. After application of the relaxer, Zada Griggs required and subsequently obtained the care of a dermatologist to treat the damage caused by the application of the relaxer.

DISCUSSION

Conn. Gen. Stat. § 20-263 provides that the Board may suspend or revoke the license of any hairdresser for illegal, incompetent or negligent conduct in the course of professional activities.

First Count

Conn. Gen. Stat. § 20-260 provides that "No person who is not licensed under the provisions of this Chapter shall engage in the cutting, styling, or arranging of hair..." During May, June, and July, of 1985, Respondent styled and arranged hair at Savvy Hair Salon in Hartford and New London, in violation of Conn. Gen. Stat. § 20-260. Such practice constitutes "illegal, incompetent or negligent conduct in the course of professional activities" within the meaning of Conn. Gen. Stat. § 20-263.

Second Count

Conn. Gen. Stat. § 20-258 provides that "No person, other than a person operating a hairdressing shop on May 17, 1982, may operate a hairdressing shop unless such person has been licensed as a registered hairdresser and cosmetician for not less than two years."

Conn. Gen. Stat. § 20-259 provides that "Each such registered shop store or place shall be under the management for registered hairdresser and cosmetician"

During May, June, and July, of 1985, while not a licensed hairdresser, Respondent served as manager at Savvy Hair Salon in Hartford, Connecticut, in violation of Conn. Gen. Stat. §§ 20-258 and 20-259. Such practice constitutes "illegal, incompetent or negligent conduct in the course of professional activities" within the meaning of Conn. Gen. Stat. § 20-263.

Third Count

When Respondent applied relaxer to Zada Griggs' hair, she knew or should have known that the hair had recently been colored and was too damaged to have relaxer applied to it without risk of damage. Respondent applied the relaxer and Zada Griggs' hair began falling out the next day. Such application of relaxer when Respondent should have known that its application would cause damage constitutes "incompetent or negligent conduct in the course of professional activities" within the meaning of Conn. Gen. Stat. § 20-263.

ORDER

Pursuant to its authority under Conn. Gen. Stat. §§ 19a-17 and 20-263, the Examining Board for Barbers, Hair-dressers and Cosmeticians hereby orders:

1. That Respondents license be suspended for a period of thirty days, with execution suspended on the condition that Respondent shows evidence to the Board of successful completion of a minimum of thirty hours of studies in the areas of color, chemical relaxer and permanent wave, within four months from the date of this order.

3-2-87
Date

Ralph Coburn
Chairman