

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Kenneth O. Cheshire

Petition No. 2000-1030-020-023

CONSENT ORDER

WHEREAS, Kenneth O. Cheshire of Marlborough (hereinafter "respondent") has been issued license number 038935 to practice hairdressing and cosmetology by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 387 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. At all times relevant to this Consent Order he owned and managed *Hair Gallery*, a salon in Marlborough.
2. In October of 2000, he employed Wendy Lopes as a hairdresser and cosmetician.
3. During October of 2000, Wendy Lopes was not licensed as a hairdresser and cosmetician.
4. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-257 taken in conjunction with §20-263.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Examining Board for Barbers, Hairdressers and Cosmeticians (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 20-263 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 and 20-263 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 038935 to practice as a hairdresser and cosmetician in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two hundred dollars (\$200) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
5. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
6. Respondent understands this Consent Order may be considered as a public document and evidence of the above-admitted violations in any proceeding before the Board in which his compliance with this Consent Order or with §20-263 of the General Statutes of Connecticut, as amended, is at issue.
7. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
8. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

- 9. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
- 10. Respondent has the right to consult with an attorney prior to signing this document.

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I, Kenneth O. Cheshire, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Kenneth O. Cheshire
Kenneth O. Cheshire

Subscribed and sworn to before me this 13th day of December 2000.

ROD L. LYNCH
NOTARY PUBLIC
MY COMMISSION EXPIRES MAR. 31, 2005

Lynda K. Hovick
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 18th day of December 2000, it is hereby accepted.

Kathleen Zarrella
Kathleen Zarrella, Director
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Board on the 26th day of February 2000, it is hereby ordered and accepted.

Kathleen J. Kieran
Examining Board for Barbers,
Hairdressers and Cosmeticians

S: milt/cheshire/legal/co. 11/00