

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

In re: William L. Waters

Petition No. 990615-02~~5~~008

**CONSENT ORDER**

WHEREAS, William L. Waters of Hartford (hereinafter "respondent") has been issued license number 040068 to practice hairdresser/cosmetician 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 respondent owned and managed *Fade Away Barber Shop* in Hartford.
2. From on or before March 5, 1999 to at least May 6, 1999 respondent employed Terron Holder to cut customers' hair at *Fade Away Barber Shop*.
3. Terron Holder is not and never has been licensed as either a barber or a hairdresser/cosmetician in Connecticut.
4. From on or before March 5, 1999 to at least May 6, 1999 respondent employed Juan Otero to cut customers' hair at *Fade Away Barber Shop*.
5. Juan Otero is not and never has been licensed as either a barber or a hairdresser/cosmetician in Connecticut.

6. From on or before March 5, 1999 to at least May 6, 1999 respondent employed Rafael Borges to cut customers' hair at *Fade Away Barber Shop*.
7. Rafael Borges is not and never has been licensed as either a barber or a hairdresser/cosmetician in Connecticut.
8. From on or before March 5, 1999 to at least May 6, 1999 respondent employed Ricky Lee Thomas to cut customers' hair at *Fade Away Barber Shop*.
9. Ricky Lee Thomas is not and never has been licensed as either a barber or a hairdresser/cosmetician in Connecticut.
10. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-263 in conjunction with §20-257.

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 Connecticut 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, 19a-17 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 shall pay a civil penalty of five hundred dollars (\$500) 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.

3. Respondent agrees to cease and desist aiding or abetting the practice of barbering and/or hairdressing/cosmetology by unlicensed persons.
4. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
5. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
  - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
  - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
  - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 6a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
  - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
  - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
6. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a hairdresser/cosmetician, upon request by the

Department, with notice to the Board for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).

7. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
8. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
9. 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.
10. 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.
11. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.

12. 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.
13. 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.
14. 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.
15. Respondent has the right to consult with an attorney prior to signing this document.

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I, William L. Waters , 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.

William L. Waters  
William L. Waters

Subscribed and sworn to before me this 2<sup>nd</sup> day of September 1999.

LINDA L. LYNCH  
NOTARY PUBLIC  
MY COMMISSION EXPIRES MAR. 31, 2000

Linda L. Lynch  
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 10<sup>th</sup> day of

September 1999, 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 \_\_\_\_\_

CT EXAMINING Board for Barbers, Hairdressers, Cosmeticians on the 20<sup>th</sup> day of Sept. 1999, it is hereby ordered and accepted.

Alice Hummel  
Connecticut Examining Board for  
Barbers, Hairdressers and Cosmeticians