

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

Corey Kytte

Petition No. 2006-1012-020-027

**MEMORANDUM OF DECISION**

***Procedural Background***

The Department of Public Health (“the Department”) presented the Connecticut Examining Board For Barbers, Hairdressers and Cosmeticians (“the Board”) with a Statement of Charges (“the Charges”) brought against Corey Kytte (“respondent”) dated July 3, 2007. Board Exh. 1. The Charges and Notice of Hearing were sent to respondent by certified mail, return receipt requested on July 31, 2007 to 28 Arbor Lane, Madison, Connecticut, scheduling a hearing for August 27, 2007. The certified mailing was returned by the United States Postal Service as “return to sender – not deliverable as addresses– unable to forward.” Board Exh. 2.

The Board continued the hearing so that the Notice of Hearing and the Charges could be re-sent to respondent certified and first class mail. Tr. August 27, 2007, p. 5.

The Charges and Notice of Hearing, scheduling a hearing for November 5, 2007, were sent to respondent by certified mail, return receipt requested, and first class mail on October 3, 2007, to 38 Bassett Lane and 133 Twin Coves Road, Madison, Connecticut. The certified mail to 133 Twin Coves Road, Madison, Connecticut was delivered on October 9, 2007. Board Exh. 3. The mailings to 38 Bassett Lane Madison, Connecticut were returned by the United States Postal Service. Board Exh. 4.

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

The Board held an Administrative Hearing on November 5, 2007. Although sufficient and reasonable efforts were made to effectuate notice, respondent neither appeared nor was represented; Attorney Joelle Newton represented the Department. Tr. November 5, 2007, p. 2.

During the hearing, the Department moved orally to deem the charges admitted because of respondent's failure to file an Answer. The Board granted the motion. Tr. November 5, 2007, pp. 3-4.

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 ("the 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. In paragraph 1 of the Charges, the Department alleges that Corey Kytte of Madison, Connecticut (hereinafter "respondent") was issued license number 048356 to practice hairdressing and cosmetology on June 6, 1997. Said license lapsed due to non-renewal on September 30, 2002.
2. In paragraph 2 of the Charges, the Department alleges that from September 30 2003 until February 2004, respondent engaged in the practice of hairdressing without having a license.
3. In paragraph 3 of the Charges, the Department alleges that this conduct constitutes violations of Connecticut General Statutes § 20-252 and/or § 20-260 of the.

#### ***Findings of Fact***

1. The Department provided respondent with reasonable and adequate written notice of the allegations contained in the charges. Board Exh. 3.
2. Respondent did not file an Answer to the allegations contained in the Statement of Charges.
3. All of the factual allegations contained in the Statement of Charges are deemed admitted and true.

***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.

Section 19a-10 of the Connecticut General Statutes provides in pertinent part: "Any board may conduct hearings on any matter within their statutory jurisdiction. Such hearings shall be conducted in accordance with Chapter 54 and the regulations established by the Commissioner of Public Health."

Section 19a-11 of the Connecticut General Statutes provides in pertinent part: "Any board . . . may, in its discretion, issue an appropriate order to any person found to be violating an applicable statute or regulation, providing for the immediate discontinuance of the violation."

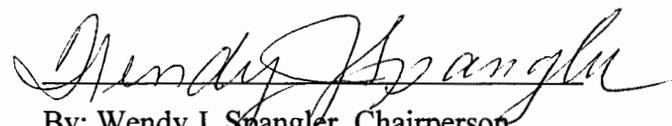
Since respondent did not file an Answer, the allegations are deemed admitted. §19a-9-20 of the Regulations.

Accordingly, the Board finds that respondent violated § 20-252 and § 20-260 of the General Statutes.

***Order***

Pursuant to the authority vested in it by § 19a-11 of the General Statutes, the Board orders that respondent immediately cease and desist from practicing as a hairdresser and cosmetician unless and until respondent is properly licensed.

Connecticut Examining Board for Barbers,  
Hairdressers and Cosmeticians



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

1/28/08  
Date

**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 JANUARY 2008, by certified mail, return receipt requested and first class mail, to:

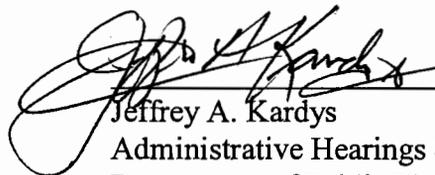
Corey Kytte  
133 Twin Coves Road  
Madison, CT 06443

Certified Mail RRR #9171082133393187047405

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

RECEIVED  
JAN 29 2008  
DEPARTMENT OF PUBLIC HEALTH  
410 CAPITOL AVENUE  
HARTFORD, CT 06134



Jeffrey A. Kardys  
Administrative Hearings Specialist/Board Liaison  
Department of Public Health  
Public Health Hearing Office