

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

Eric Ashe  
Kimberly Avenue  
New Haven, Connecticut 06519-2411

Petition No. 961218-000-099

Lic# 049908

MEMORANDUM OF DECISION

*Procedural Background*

On April 8, 1998, the Department of Public Health ("Department") presented the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians ("Board") with a Statement of Charges brought against Eric Ashe ("Respondent") dated December 5, 1997. Dept. Exh. 1. The Statement of Charges, along with the Notice of Hearing, was sent to Respondent by certified mail, return receipt requested, and first class mail on April 8, 1998. The Notice of Hearing scheduled a hearing for June 8, 1998, and notified the parties that the hearing would be held before the Board. Dept. Exh. 2.

On June 8, 1998, the Board held an administrative hearing to adjudicate respondent's case. Respondent neither appeared nor was represented. Stephen Miltimore, Esq. represented the Department.

The Board conducted the hearing in accordance with Connecticut General Statutes Chapter 54 (the Uniform Administrative Procedure Act) and the Regulations of Connecticut State Agencies § 19a-9-1, et seq. All Board members involved in this decision received copies of the entire record. All Board members involved in this decision attest that they have either heard the case or read the record in its entirety. This decision is based entirely on the record.

*Allegations*

1. In Paragraph 1 of the Statement of Charges, the Department alleged that Respondent has at no time been issued a license by the Department to practice as a master barber or as a hairdresser and cosmetician.

2. In Paragraph 2 of the Statement of Charges, the Department alleges that on or about July 11, 1996, Respondent provided master barber or hairdresser services at Ashe's Barber Shop, 31 Kimberly Avenue, New Haven, in that he:
  - a. cut a customer's hair; and/or,
  - b. managed said shop.
3. In Paragraph 3 of the Statement of Charges, the Department alleged that the conduct described in paragraph 2 constituted a violation of §§ 20-236, 20-238, 20-252 and/or 200-258 (sic) of the Connecticut General Statutes.
4. The Department requests that the Board, as authorized in sections 19a-11 and 19a-17 of the Connecticut General Statutes, issue an order for Respondent to cease and desist practicing as a master barber or hairdresser and cosmetician.

***Findings of Fact***

1. The Department has made sufficient and reasonable efforts to effectuate notice to Respondent of the pending charges, Dept. Exh. 2; Tr. pp. 5-6.
2. Respondent never filed an Answer to the Statement of Charges.
3. On July 11, 1996, Giovanni DiPaola, investigator for the Department, conducted an inspection of Ashe's Barber Shop at 31 Kimberly Avenue in New Haven, Connecticut. Tr. p. 12.
4. On July 11, 1996, Respondent was cutting a customer's neck hair. Tr. p. 12.
5. On July 11, 1996, Respondent identified himself to the investigator as the manager-proprietor of the shop. Tr. p. 12.
6. Respondent is not licensed as a hairdresser and cosmetician. Dept. Exh. 3.

***Discussion and Conclusions of Law***

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."

Section 20-238(a) of the Connecticut General Statutes provides in pertinent part: "No person shall practice the occupation of master barber in this state unless he has first obtained a license as provided in section 20-236 [of the Connecticut General Statutes]...."

Section 20-252 of the Connecticut General Statutes provides in pertinent part: "No person shall engage in the occupation of registered hairdresser and cosmetician without having obtained a license from the department...."

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 Comm'n*, 450 U.S. 91,101 S.Ct. 999, *reh'g denied*, 451 U.S. 9333 (1981); *Swiller v. Comm'r of Public Health*, CV 950705601, Superior Court, J.D. Hartford/New Britain at Hartford (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. Because Respondent did not file an Answer to the Statement of Charges, the allegations are deemed admitted. Conn. Agencies Regs. § 19a-9-20.

In addition, the evidence reveals that the Respondent does not hold licensure as a hairdresser and cosmetician. Dept. Exh. 3. On July 11, 1996, the investigator observed the Respondent cutting a customer's hair. The Respondent also told Mr. DiPaola that he was the manager-proprietor of the shop.

Cutting hair falls within the definition of the practice of barbering, Conn. Gen. Stat. § 20-234, and also within the definition of hairdressing and cosmetology. Conn. Gen. Stat. § 20-250(4). Accordingly, the Board finds that Respondent violated sections 20-238 and 20-252 of the Connecticut General Statutes.

***Order***

Pursuant to the authority vested in it by section 19a-11 of the Connecticut General Statutes, the Board orders that Eric Ashe immediately cease and desist from practicing as a master barber or hairdresser and cosmetician.

Connecticut Examining Board for  
Barbers, Hairdressers and Cosmeticians

12-7-98

Date

*Reno Pelletier*

By: Reno R. Pelletier, M.B., Chairman  
Connecticut Examining Board for  
Barbers, Hairdressers & Cosmeticians