



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING OFFICE

August 24, 2010

Olga Louniakova
59 Coe Avenue
East Haven, CT 06512

Certified Mail RRR #91 7108 2133 3932 0556 3016

Matthew Antonetti, Principal Attorney **Via Email**
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340380
Hartford, CT 06134-0308

RE: Olga Louniakova - Petition No. 2009-20091314

Dear Ms. Louniakova and Attorney Antonetti:

Enclosed please find a copy a Memorandum of Decision issued by the **Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians** in the above-referenced matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Kardys".

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

c: Michael J. Purcaro, Chief of Administration
Wendy Furniss, Branch Chief, Healthcare Systems
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations
Ellen Shanley, Staff Attorney, Department of Public Health



Phone: 860-509-7648 FAX 860-509-7553
Telephone Device for the Deaf: (860) 509-7191
410 Capitol Avenue - MS # 13 PHO
P.O. Box 340308 Hartford, CT 06134
Affirmative Action / An Equal Opportunity Employer

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

Olga Louniakova, H.C.

Petition No. 2009-20091314

MEMORANDUM OF DECISION
Procedural Background

On March 9, 2010, 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”) and a Motion for Summary Suspension Order (“the Motion”) against license number 57644 of Olga Louniakova, H.C. (“respondent”). Bd. Exh. 1. The Motion was based on the Charges, affidavits, and the Department’s information and belief that respondent’s continued practice of hairdressing and cosmetology presented a clear and immediate danger to the public health and safety. The Charges allege violations of §§ 19-17 and 20-263 of the General Statutes of Connecticut (“the Statutes”).

On April 26, 2010, the Board granted the Department’s Motion and ordered that respondent’s license be summarily suspended pending a final determination by the Board regarding the allegations contained in the Charges. Bd. Exh. 1.

On April 27, 2010, the Motion, the Charges and the Notice of Hearing (“the Notice”) were sent to respondent by certified and first class mail to respondent’s address of record at 59 Coe Avenue, East Haven, Connecticut. Bd. Exhs. 2, 3. On April 29, 2010, the Department received the certified mail receipt. Bd. Exh. 4. The first class mail was not returned.

Respondent did not file an Answer to the Charges.

On May 10, 2010, the Board held an administrative hearing. Respondent did not appear at the hearing and was not represented. Attorney Joelle Newton represented the Department. At the hearing, the Department moved to deem the allegations admitted due to respondent’s failure to file an Answer. The Board granted the Motion. Tr. pp. 4-5.

The Board conducted the hearing in accordance with the Chapter 54 (the Uniform Administrative Procedure Act) of the Statutes 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 and 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 respondent is, and has been at all times referenced in the Charges, the holder of Connecticut hairdresser and cosmetician license number 57644.
2. In paragraph 2 of the Charges, the Department alleges that on or about February 26, 2009, the Department ordered and accepted a Preliminary Consent Order in Petition Number 2008-1010-020-023 ("the Consent Order") that placed respondent's hairdresser and cosmetologist license on probation for a period of one year. Such disciplinary action was based upon respondent's having placed Visine eye drops into the water bottle of her instructor at hairdressing school, and her arrest and conviction for Reckless Endangerment, 2nd Degree, and Threatening, 2nd Degree, for this conduct.
3. In paragraph 3 of the Charges, the Department alleges that said Consent Order provides, in part, that:
 - a. if respondent is employed as a hairdresser and cosmetician, she shall have her manager, a Connecticut licensed hairdresser and cosmetician, submit written quarterly reports to the Board and the Department, documenting her ability to safely and competently practice as a hairdresser and cosmetician; and/or,
 - b. if respondent is not employed as a hairdresser and cosmetician for periods of 30 days or longer, respondent shall notify the Department in writing.
4. In paragraph 4 of the Charges, the Department alleges that during the period of probation, respondent failed to provide any reports from her manager.
5. In paragraph 5 of the Charges, the Department alleges that during the period of probation, respondent failed to submit any employment information to the Department.
6. In paragraph 6 of the Charges, the Department alleges that the above conduct constitutes violations of the terms of probation as set forth in the Consent Order, and subjects respondent's license to revocation or other disciplinary action authorized by §§19a-17 and 20-263 of the Statutes.

Findings of Fact

1. The Department provided respondent with reasonable and adequate written notice of the hearing and the allegations in the Charges. Bd. Exhs. 1-4; Tr. pp. 4, 6.
2. Respondent did not file an Answer to the Charges. Tr. pp. 3-4.
3. All of the allegations set forth in the Charges are deemed admitted and true.

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Goldstar Medical Services, Inc., et al. v. Department of Social Services*, 288 Conn. 790 (2008); *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.

Since respondent did not file an Answer, the allegations are deemed admitted. §19a-9-20 of the Regulations. Accordingly, the Board concludes that there is sufficient basis upon which to issue the following order.

Order

Pursuant to the authority vested in it by §§ 19a-17 and 20-263 of the Statutes, the Board hereby revokes the respondent's license number 57644 to practice as a hairdresser and cosmetician in the State of Connecticut.

Connecticut Examining Board for Barbers,
Hairdressers and Cosmeticians

8/23/10
Date


Wendy J. Spangler, Chairperson

CERTIFICATION

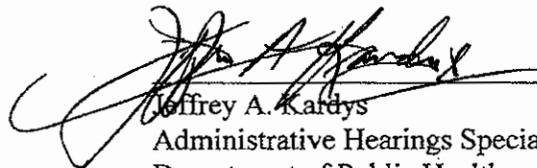
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 24th day of August 2010, by certified mail, return receipt requested to:

Olga Louniakova
59 Coe Avenue
East Haven, CT 06512

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and via email to:

Matthew Antonetti, Principal Attorney
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