

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Marsell Stewart

Petition No. 2012-772

PRELICENSURE CONSENT ORDER

WHEREAS, Marsell Stewart of Orange, Connecticut (hereinafter "respondent") has applied for licensure to practice as a hairdresser 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. The Department has at no time issued respondent a license to practice the occupation of hairdresser under the General Statutes of Connecticut, Chapter 387.
2. In October 2009, respondent pleaded guilty to the felony sale of narcotics in violation of Section 21a-277(a) of Connecticut's General Statutes.
3. The conduct described above constitutes grounds for the denial of respondent's application for licensure pursuant to §19a-14 of the General Statutes of Connecticut.

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

1. Respondent waives the right to a hearing on the merits of his application for licensure.
2. After satisfying the requirements for licensure as a hairdresser as set forth in Chapter 387 of the General Statutes of Connecticut, respondent's license to practice as a hairdresser will be issued.
3. Respondent's license to practice as a hairdresser in the State of Connecticut shall, immediately upon issuance, be reprimanded.
4. Immediately upon issuance, respondent's license to practice as a hairdresser shall be placed on probation for a period of five (5) years under the following terms and conditions:

- a. Respondent shall provide a copy of this Prelicensure Consent Order to his parole and/or probation officer(s) during the course of his parole and/or probation. Respondent shall cause his parole and/or probation officer(s) to confirm receipt of this Prelicensure Consent Order, in writing, within fifteen days of receipt to the address listed in paragraph 5, below.
 - b. Respondent shall cause his parole and/or probation officer to inform the Department, in writing, of any violation of his terms of parole and/or probation. Any violation of respondent's parole and/or probation shall be deemed to be a violation of this Prelicensure Consent Order.
 - c. During the period of probation, respondent shall report to the Department any arrest under the provisions of Connecticut General Statutes section 14-227a. Such report shall occur within fifteen (15) days of such event.
5. All correspondence and reports are to be addressed to:
- Bonnie Pinkerton, Nurse Consultant
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308
6. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau. The purpose of this Prelicensure Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
 7. This Prelicensure Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of

this Prelicensure Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

8. Respondent shall comply with all state and federal statutes and regulations applicable to his license.
9. Respondent shall notify the Department of any change(s) in his employment within fifteen (15) days of such change.
10. Respondent shall notify the Department of any change(s) in his home and/or business address within fifteen (15) days of such change.
11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to Practitioner Licensing and Investigations of the Healthcare Quality and Safety Branch of the Department.
12. Respondent understands that this Prelicensure Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians in which (1) his compliance with this Prelicensure Consent Order is at issue, or (2) his compliance with Title 20 of the Connecticut General Statutes, as amended, is at issue.
13. This Prelicensure 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 Prelicensure Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.
14. This Prelicensure 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.

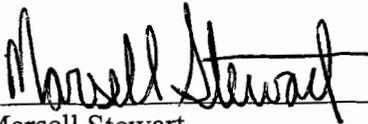
15. This Prelicensure Consent Order is effective when accepted and approved by a duly appointed agent of the Department.
16. Respondent understands this Prelicensure Consent Order is a matter of public record and That any discipline imposed by this Prelicensure Consent Order shall be reported to the National Practitioner Data Bank and Healthcare Integrity and Practitioner Data Bank maintained by the United States Department of Health and Human Services.
17. Respondent understands he has the right to consult with an attorney prior to signing this Prelicensure Consent Order.

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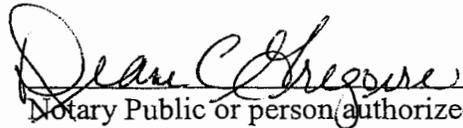
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I, Marsell Stewart, have read the above Prelicensure Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Prelicensure Consent Order to be my free act and deed.


Marsell Stewart

Subscribed and sworn to before me this 25 day of Sept 2012.


Notary Public or person authorized
by law to administer an oath or
affirmation

Diane C. Gregoire
NOTARY PUBLIC
My Commission Expires 3/31/2015

The above Prelicensure Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 4th day of October _____ 2012, it is hereby ordered and accepted.


Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Quality and Safety Branch