

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF BARBERS AND COSMETOLOGISTS

IN RE:)
LINDSEY A. COSTELLO) Docket No: CO05-0707
License No. 010-0004208)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Robert H. Backus, and Respondent, Lindsay Costello, who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Barbers and Cosmetologists (the Board) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct pursuant to 3 V.S.A. §§129 and 129a; 26 V.S.A. §§276 and 288; the Rules of the Board of Barbers and Cosmetologists; and the Office of Professional Regulation's Rules.

Statement of Facts

2. The Respondent, Lindsey A. Costello of Colchester, Vermont is licensed in the State of Vermont as a Cosmetologist holding license number 010-0004208. This license was originally issued on or about October 1, 2004 and lapsed on November 30, 2005.
3. On March 22, 2006 conditions were placed on Respondent's license as a result of her failure to disclose convictions on her first renewal application.
4. On March 30, 2007 Respondent was returned to jail for a furlough violation. She is presently incarcerated. This conduct, and her failure to report it, violate the conditions placed on her license.
5. On June 29, 2007 Respondent was cited into court for a felony. Her failure to report this to the Board violated the conditions imposed on her license.
6. Respondent has also violated the requirements of her conditions requiring her to provide the Board with information from the Department of Corrections and releases from the Department.

Charges

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7. The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:
- i. 3 V.S.A. §129a(a)(4) Failing to comply with an order of the board or violating any term or condition of a license restricted by the board.
 - ii. 3 V.S.A. §129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).
 - iii. ~~3 V.S.A. §129a(b)(2) (failing to practice competently by reason of any cause which includes failing to conform to the essential standards of acceptable and prevailing practice).~~

Understandings

7.iii withdrawn by the State
1/14/08 *gl*

8. The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.
9. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
10. This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
11. The Respondent is voluntarily waiving her right to a contested hearing before the Board.
12. Respondent agrees that the State has sufficient evidence for the Board to find that Respondent has engaged in unprofessional conduct and that the Order set forth below may be entered by the Board.

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:

- A. The Respondent has engaged in unprofessional conduct as set out above.
- B. The Board of Barbers and Cosmetologists hereby **INDEFINITELY SUSPENDS** the Respondent's license commencing with the date of entry of this Stipulation and Consent Order. Respondent's license is suspended for a minimum of one year.
- C. After one year the Respondent may petition the Board to have her license reinstated. To be reinstated, the Respondent must be eligible under all applicable statutes and rules. At a hearing upon this motion it shall be the Respondent's burden to convince the Board that she is

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able to return to work safely. Should the Board reinstate Respondent's license it may impose all such conditions as it deems appropriate.

D. Respondent may request reinstatement only once in a calendar year.

E. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

F. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

G. A violation of this order may be unprofessional conduct and grounds for further disciplinary action.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 12/16/07

By: [Signature]
Robert H. Backus
State Prosecuting Attorney

Dated: 12.11.07

By: [Signature]
Lindsey A. Costello
Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF BARBERS AND
COSMETOLOGISTS

Dated: 01-14-2008

By: [Signature]
Chairperson

Date of Entry: 1/15/08

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