

**STATE OF NEW HAMPSHIRE
BOARD OF BARBERING, COSMETOLOGY, AND ESTHETICS
CONCORD, NH 03301**

In the Matter of:
Eddy's Hair Salon
Shop Lic. #2457

Docket No.: 23-BAR-054

Heriberto A. Ozoria, Owner
Personal Lic. #15038

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of Barbering, Cosmetology, and Esthetics, the New Hampshire Board of Barbering, Cosmetology, and Esthetics ("Board") and Eddy's Hair Salon ("Shop"), a salon currently licensed by the Board, and Heriberto A. Ozoria, ("Licensee"), a barber currently licensed by the Board, (together as "Respondents") do hereby stipulate and agree to resolve certain allegations of violations of rules and laws regulating the profession now pending before the Board according to the following terms and conditions:

1. Pursuant to NH RSA 313-A:21 and N.H. Code Admin. R Bar ("Bar") 404.01, Board inspectors have jurisdiction to conduct inspections of shops, tanning salons, and schools.
2. Pursuant to NH RSA 310:12, NH RSA 313-A and Bar 404.04, the Board has the authority to issue disciplinary sanctions for violations of Board statutes and rules.
3. Pursuant to NH RSA 310:10, VIII, and Bar 217.02, the Board may, at any time, dispose of such allegations by settlement, and without commencing a disciplinary hearing.
4. On or about August 2, 2023, a Board inspector conducted a routine inspection of Respondents which resulted in alleged violations totaling 256 points.
5. Respondents stipulate to the following facts:

- A. On August 2, 2023, a Board inspector conducted a routine inspection of Eddy's Hair Salon at 383 Maple Street, Manchester, NH.
 - B. As a result of the inspection, the inspector found multiple violations totaling 256 points of which:
 - i. 156 points were related to health and sanitation including dirty floors, walls and furniture, improperly cleaned and stored re-useable implements and appliances; and
 - ii. 100 points were related to licenses and certifications where two apprentices appeared to have expired registration and appeared to be working with stations set up.
6. The Board finds that Respondent committed the acts described above and concludes that, by engaging in such conduct, Respondent violated NH RSA 313-A:22, II(i).
 7. Respondents acknowledge that the allegations and facts set forth in paragraph 7 above constitutes grounds for the Board to impose disciplinary sanctions against their license to operate as a Board licensee in the State of New Hampshire.
 8. WHEREFORE, Respondents consent to the Board imposing the following discipline, pursuant to RSA 310:12.
 - A. Respondents are assessed an **ADMINISTRATIVE FINE** in the amount of two hundred fifty six dollars (\$256.00) where all but one hundred fifty six dollars (\$156.00) is stayed subject to no further violations within twelve (12) months of the Effective Date. Respondent shall pay the amount of **one hundred fifty six dollars (\$156.00)** in full within forty-five (45) days of the Effective Date of this

Settlement Agreement by delivering a money order or bank check, made payable to "Treasurer, State of New Hampshire," to the Board's office at 7 Eagle Square, Concord, New Hampshire, 03301. **No separate invoice shall issue.** Payment shall include a copy of this Settlement Agreement or a note including the docket number and indicating the payment is made in compliance with a settlement agreement with the Board.

9. Respondents, specifically the shop owner, shall bear all costs required by this *Settlement Agreement* and shall be responsible for ensuring all payments are made, but Respondents shall be permitted to share such costs with third parties. If a fine is past-due and remains unpaid at the time of license renewal, the Board shall not renew the Respondents' license.
10. Respondents' breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 313-A:22, II, and a separate and sufficient basis for further disciplinary action by the Board.
11. The Board may consider Respondents' compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondents' licenses.
12. The Board agrees that in return for Respondents executing this *Settlement Agreement* the Board will not proceed with the formal adjudicatory process based upon the facts described herein. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondents in the future.

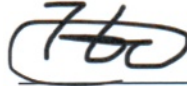
13. This *Settlement Agreement* shall become a permanent part of Respondents' file, which is maintained by the Board as a public document.
14. Respondents voluntarily enter and sign this *Settlement Agreement* and states that no promises or representations have been made other than those terms and conditions expressly stated herein.
15. Respondents understand that Respondents' action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration, judicial review, or appeal.
16. Respondent agrees to support the adoption of this agreement by the Board.
17. Respondent understands that this agreement is an adverse action against Respondent's license and will be reported to all relevant jurisdictions.
18. Respondents have had the opportunity to seek and obtain the advice of an attorney of Respondents' choosing in connection with the decision to enter into this *Settlement Agreement*.
19. Respondents are not under the influence of any drugs or alcohol and are otherwise of sound mind at the time of signing this *Settlement Agreement*.
20. Respondents understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondents specifically waives any claims that any disclosures made to, or by, the Board surrounding its review of this *Settlement Agreement* have prejudiced Respondents' right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.

21. Respondents certify that he/she has read this document titled *Settlement Agreement*. Respondents understands that he/she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he/she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his/her own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondents fully understand the nature, qualities and dimensions of these rights. Respondents understand that by signing this *Settlement Agreement*, he/she waives these rights as they pertain to the misconduct described herein.
22. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board and shall become final after 30 days pursuant to Plc 205.04.

[Signatures on next page.]

FOR RESPONDENT

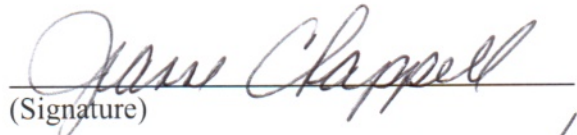
Date: 02/05/2024



Heriberto Ozoria (Owner)
Eddy's Hair Salon
Respondent

FOR THE BOARD/*

Accepted by the Board of Barbering Cosmetology and Esthetics on this 18 day of March, 2024 ("Effective Date").



(Signature)

Jeanne Chappel
(Print or Type Name)
Authorized Representative of the
New Hampshire Board of Barbering,
Cosmetology, and Esthetics

/*Board members recused: