

**STATE OF NEW HAMPSHIRE  
OFFICE OF PROFESSIONAL  
LICENSURE AND CERTIFICATION**

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**BOARD OF BARBERING, COSMETOLOGY AND ESTHETICS**

**In Re: Inspirations Salon & Day Spa  
Shop Lic. #2487**

Docket No.: 23-BAR-009

**NOTICE OF DECISION DATED 1/5/2024**

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Enclosed please find a copy of the Board's Order dated 1/5/2024 relative to:

**HEARING FINAL DECISION AND ORDER**

**MOTIONS/PETITIONS FOR RECONSIDERATION OR REHEARING:**

Pursuant to N.H. Code Admin. R. Plc 206.29(a) ("Rules") and RSA 310:14, II, motions/petitions for reconsideration or rehearing shall be filed within 30 calendar days after service of a final adjudicative order. Pursuant to Rule 206.29(b), the Motion/Petition shall: 1) clearly identify points of law or fact that the movant asserts the Board and/or Presiding Officer has overlooked or misapprehended; 2) contain such argument in support of the motion as the movant desires to present; and 3) be served by the movant on all other participants in accordance with Rule 206.11. Pursuant to Rule 206.29, no answer to a motion/petition for reconsideration or rehearing shall be required, but any answer or objection filed shall be delivered to the Presiding Officer's Office within 5 working days following receipt of service of the motion/petition for reconsideration. Pursuant to RSA 541:5, upon the filing of such motion/petition for rehearing or reconsideration, the Board or Presiding Officer shall within ten days either grant or deny the same, or suspend the order or decision complained of pending further consideration, and any order of suspension may be upon such terms and conditions as the Board or Presiding Officer may prescribe.

**RIGHT TO APPEAL:**

Pursuant to RSA 310:14, III, appeals from a decision on a rehearing and/or motion for reconsideration shall be by appeal to the New Hampshire Supreme Court pursuant to RSA 541. Pursuant to RSA 541:6, within 30 days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the decision on such rehearing, the applicant may appeal by petition to the New Hampshire Supreme Court. Pursuant to RSA 310:14, III, no sanction shall be stayed by the Board during an appeal.

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**BOARD OF BARBERING, COSMETOLOGY AND ESTHETICS**

**In Re: Inspirations Salon & Day Spa  
Shop Lic. #2487**

**Julie Graham, Owner  
Personal License #14785**

Docket No.: 23-BAR-009

**FINAL DECISION AND ORDER**

**I. PARTICIPANTS:**

Board Members and Support Staff and Counsel:

Jeanne Chappell, Board Chair  
Kimberly A. Hannon, Board Member  
Joshua Craggy, Board Member  
Sarah J. Partridge, Board Member  
Donna Woodsom, Board Member  
Talia Wilson, OPLC Board Administrator  
Teresa Boyer, OPLC Board Administrator  
Attorney Elizabeth Eaton, OPLC Board Counsel

Presiding Officer:

Attorney Shane Goulet, OPLC Hearings Examiner

Parties:

Collin Phillips, Esq., Hearing Counsel  
Julie Graham, Licensee and shop owner

**II. CASE SUMMARY/PROCEDURAL HISTORY:**

On 11/15/22 a routine inspection of Julie Graham’s Inspirations Salon & Day Spa (“Licensee”) was conducted on behalf of the New Hampshire Board of Barbering, Cosmetology, and Esthetics (“Board”). This inspection resulted in 2,770 violation points. On 3/13/23 the Board voted to hold and

adjudicative hearing on this matter. A adjudicative hearing was held on 10/16/2023 at 9:30 A.M. This Final Order and Decision follows.

**III. SUMMARY OF THE PROPOSED EVIDENCE AND EVIDENTIARY RULINGS:**

The Board received the following evidence pursuant to RSA 541-A:33 and Rules 206.22 and 206.18(d):

A. Exhibits were submitted by Hearing Counsel, numbered as follows:

1. 11/15/2022 Inspection Report (HC001- HC002)
2. 11/25/2022 Confidential Memorandum with attachments 1 through 6 (HC003- HC020)

B. Exhibits were submitted by the Licensee, identified as follows

- a. Spa Photographs
- b. Inspection Report Item #5 (photograph)
- c. Inspection Report Item # 10 (photographs)
- d. Inspection Report Item # 11 (photographs)
- e. Inspection Report Item # 12 (photograph)
- f. Inspection Report Item # 30 (photographs)
- g. Inspection Report Item # 42 (photographs)
- h. Letters from Clients
- i. "Pedispa" equipment

C. Sworn testimony was received from:

1. Sandra Hodgdon, Chief Inspector, OPLC Enforcement
2. Julie Graham, Licensee and shop owner

Exhibits were fully admitted by the Presiding Officer in the 07/06/2023 Prehearing Conference

Order.

**IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED:**

**HEARING COUNSEL'S CASE-IN-CHIEF:**

**Sandra Hodgdon, Chief Inspector**

Inspector Hodgdon was sworn in under oath and testified that she has served as an inspector for approximately 11 years. She testified that she has been a licensee of the Board for over 40 years and previously owned a salon for over 20 years. Inspector Hodgdon testified that the scope of her duties includes conducting “shop inspections” and preparing inspection reports to memorialize the results of those inspections. Inspector Hodgdon testified to performing a routine shop inspection at the Licensee’s “Shop” (Inspirations Salon and Day Spa) on 11/25/2023. Inspector Hodgdon reported that the Licensee was not present during the inspection. Inspector Hodgdon testified that she found violations during her inspection which were memorialized in the shop inspection report, photographs, and confidential memorandum. She testified that her reported findings represent that there were (2) dirty foot spa agitators, a disinfection container that was not covered and contained debris, (54) implements were not cleaned, disinfected, or stored in enclosed containers, (21) one-time use implements were not discarded after use, safety data sheets were not accessible, a prior inspection report was not displayed in public area, and (5) rasp files. Inspector Hodgdon stated that she had previously inspected Inspirations on (3) separate occasion in the past with no prior violations noted. Inspector Hodgdon emphasized and authenticated every photograph she took during her inspection which, in her opinion, evidenced the violations noted in her inspection report. See Exhibit 2 (HC005 through HC020).

Inspector Hodgdon was recalled and testified on redirect that Exhibit I was not part of Inspector Hodgdon’s noted inspection concerns.

**LICENSEE’S CASE-IN-CHIEF:**

**Julie Graham, Licensee**

The Licensee was sworn in under oath and testified that any violations noted within Inspector Hodgdon’s report were immediately rectified within a half hour of her return to the salon.<sup>1</sup> The Licensee stated that she immediately called Inspector Hodgdon and left her a voicemail in attempt to rectify the “situation.” She further represented that she attempted to call the Board, but nobody ever returned to re-inspect her salon. The Licensee candidly stated that she doesn’t want to be a hazard but rather a leader in the industry. She expressed frustration that she never was afforded the opportunity to correct the deficiencies noted in Inspector Hodgson’s report.

The Licensee represented that she had no objections to Inspector Hodgdon’s routine inspection. However, she directed the Board’s attention to Exhibit A. She testified that those photographs embody what Inspiration “really” looks like on a regular basis. The Licensee directed the Board to Exhibit D as an example of the remedial action taken. The Licensee clarified that the dirty equipment observed in Hearing Counsel’s Exhibit was not being used on customers. However, she acknowledged that the equipment should have been thrown away.

The Licensee testified that the “Barbicide” container evidenced in HC009 was only used for brushes and not the foot spa agitators. The Licensee stated that her agitators are always cleaned and disinfected in accordance with the appropriate protocols. The Licensee maintained that the disposable files cited by Inspector Hodgdon were reusable and were always disinfected. However, she conceded that the files have “got to go.” She testified that she was unaware that the “rasp files” found at her shop were understood to be a “bladed” instrument; admitting that she learned a valuable lesson.

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<sup>1</sup> Prior to offering testimony the Licensee moved for the case to be dismissed pursuant to Bar 404.1 (o), (p). The evidentiary hearing proceeded to move forward, and the parties were permitted the opportunity to submit written pleadings regarding the Licensee’s request. The Motion was ultimately denied.

Upon cross examination the Licensee testified that Exhibit D is primarily her workstation, and her the shop's inspection report is now posted in the shampoo room. The Licensee reported that she no longer has any "rasp files" within the Salon. The Licensee was unable to identify a specific time period when she took the photographs submitted as Exhibits.

**V. DISCUSSION, FINDINGS OF FACTS, AND CONCLUSIONS OF LAW:**

After reviewing all the evidence and considering the presentation and demeanor of all the witnesses, the Board makes the following findings of facts:

1. At all times relevant, Respondents were active licensees of the Board.
2. Respondents have no disciplinary history in the last five years.
3. On 11/15/2022, a Board inspector, Sandra Hodgdon, conducted a routine inspection of Shop at 257 Union St., Littleton, NH 03561.
4. The cabinetry and/or furniture of a workstation storing implements and appliances was generally covered in hair and debris.
5. The disinfection container lacked a lid and contained debris.
6. Four bladed rasp files were found along with other implements in a pedicure workstation drawer which contained skin and nail debris.
7. One bladed rasp file was found in a towel with other pedicure implements.
8. As a result of the inspection, the Inspector Hodgdon found multiple violations totaling 2,770 points of which:
  - a. Seven hundred fifty-three (753) points were related to health and sanitation including foot spa agitator improperly cleaned, disinfected and/or stored; disinfection container not covered; improperly cleaned and stored re-useable implements and appliances; improperly disposed of and/or storage of single use implements; and lacked all required safety data sheets;
  - b. Twenty-five (25) points were related to licenses and certifications regarding licenses not displayed as required and inspection report was not displayed as required and unobstructed;
  - c. Two Thousand (2,000) points were related to other violations, namely, having five bladed implements available for use in the facility.
9. [T]he spa agitator was improperly cleaned, disinfected and/or stored.
10. The previous inspection reports were not displayed in a conspicuous and unobstructed location in the shop where all types of clients can see.<sup>2</sup>
11. No pictures or other documentation exist to demonstrate licenses were not displayed as required.

Based upon the findings of fact made by the Board, the Presiding Officer makes the following conclusions of law:

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<sup>2</sup> The Presiding Officer notes that the paragraph (10) of the Board's Findings of Fact includes a conclusion of law which was not considered by the Presiding Officer.

1. The Licensee committed professional misconduct as defined at RSA 313-A:22, II(c), (d), and/or (i) (see Rules 404.09, 302.05(m) and/or (q), 302.07(c), 302.07(g)(4)) by operating a shop with one or more of the related health and safety violations, as set out in the inspection report dated 11/15/22.
2. The Licensee committed professional misconduct as defined at RSA 313-A:22, II(c), (d) and/or (i) (see Rule Bar 404.01(n)) by failing to properly post a previous inspection report, as set out in the inspection report dated 11/15/22.
3. The Licensee did not commit professional misconduct as defined at RSA 313-A:22, II(c), (d), and/or (i) (see RSA 313-A:17, Rule 302.07(y)) by operating a shop with one or more of the licensing related violations, as set out in the inspection reported dated 11/15/22.
4. Pursuant to Plc Rule 206.24, Hearing Counsel has proven all elements of the misconduct found in issues 1, and 2 above by a preponderance of the evidence.

Upon a finding of misconduct made pursuant to RSA 313-A:22, II, the Board imposes the following disciplinary action against the Licensee:

- A. The Licensee is **REPRIMANDED**.
- B. The Board orders that Inspirations Spa license# 2487 shall be on **PROBATION** for 2 years subject to the following terms:
  - a. Any inspection during the probationary period resulting in over one hundred (100) points for violation(s) of the Board's rules relating to sanitation, hygiene, and or safety, specifically, Shop Inspection Report Rev. 2301 sections (1) – (20); and (38)-(50), shall be a violation of probation;
  - b. If OPLC Enforcement receives notice of a violation of probation, OPLC Enforcement may request that the Board impose any suspended disciplinary sanction(s) after a hearing. A violation of probation shall also constitute misconduct pursuant to RSA 313-A:22 and may form the basis for additional disciplinary sanctions after appropriate notice and opportunity for a hearing pursuant to RSA 313-A:23, RSA 541-A:30, and/or Bar 201;
  - c. The Board reserves the right to order an immediate emergency suspension pending an adjudicative proceeding pursuant to RSA 541-A:30; and,
  - d. The Board is putting the Respondents on notice that it may enforce this order specifically using unannounced inspections. Respondents must immediately display, in full view of the public, a full and complete copy of this Settlement Agreement near or adjacent to the shop

license and past inspection forms and continue to display a copy until the conclusion of the period of probation.

- C. The Board orders that the Licensee schedule a follow-up inspection within 45 days of receipt of this order subject to the following conditions:
  - a. If follow-up inspection is failed, Respondents must remedy the violations and upon remedy immediately request in writing via mail or email an appointment with a Board inspector for an additional follow-up inspection.
  - b. Failure to pass the additional follow-up inspection shall be a violation of probation and constitute misconduct pursuant to RSA 313-A:22 and may form the basis for additional disciplinary sanctions after appropriate notice and opportunity for a hearing pursuant to RSA 313-A:23, RSA 541-A:30, and/or Bar 201 which may include up to and including emergency license suspension.
- D. The Board assesses the Licensee, as shop owner, an administrative **FINE** in the amount of (\$1,270.00).

**VI. CONCLUSION AND DECISION:**

Pursuant to RSA 313-A:22, II and RSA 310:12, the Presiding Officer hereby makes the findings of professional misconduct noted herein and the Board administers the discipline outlined above.

DATED: 1/5/2024

\_\_\_\_\_/s/ Shane D. Goulet, Presiding Officer  
Shane D. Goulet, Hearings Examiner  
New Hampshire Office of  
Professional Licensure & Certification  
7 Eagle Square  
Concord, NH 03301