

**State of New Hampshire
Board of Barbering, Cosmetology, & Esthetics
Concord, New Hampshire**

In the Matter of:
Adam Dupaul
License No.: 29161
(Adjudicatory Proceedings)

Docket No.2019-07

**ORDER OF EMERGENCY LICENSE SUSPENSION
AND NOTICE OF HEARING**

1. RSA 541-A:30, III, and New Hampshire Board of Barbering, Cosmetology, & Esthetics Administrative Rule (“Bar”) 402.03 authorize the New Hampshire Board of Barbering, Cosmetology, & Esthetics (“Board”) to suspend a license pending commencement of an adjudicatory proceeding, in cases involving imminent danger to public health, life, safety, or welfare. In such cases, the Board must commence a hearing not later than ten (10) working days after the date of the emergency order. If the Board does not commence the hearing within ten (10) working days, the suspension order shall be automatically vacated. *See*, RSA 541-A:30, III. Postponement of the proceeding is prohibited unless the licensee agrees to continue the suspension pending issuance of the Board’s final decision. *See*, RSA 541-A:30, III and Bar 402.03(c)

2. Adam Dupaul (“Mr. Dupaul”) holds barber license number 29161. He is the manager of City Barber Shop in Keene, NH.

3. The Board has received information indicating that the continued use of Mr. Dupaul’s license poses an imminent threat to public health, safety, and/or welfare, which warrants the temporary suspension of Mr. Dupaul’s barber license pending a hearing on whether permanent and/or temporary discipline sanctions should be imposed. A Report of Investigation was provided to the Board.

4. In support of this *Order of Emergency License Suspension and Notice of Hearing*, the Board alleges the following facts:

- A. On or about August 27, 2019, it was reported to the Board that Mr. Dupaul had been impaired while cutting hair on or about August 22, 2019.

- B. On or about August 22, 2019, Curtis Fanti (“Mr. Fanti”) was at City Barber Shop. On that day, Mr. Fanti believes that Mr. Dupaul was impaired and had been using drugs. Mr. Fanti observed Mr. Dupaul experiencing facial discoloration and excessive sweating. Mr. Fanti observed Mr. Dupaul give poor haircuts to clients, who were upset. Mr. Fanti observed Mr. Dupaul pick up and throw a stylist chair.
- C. On or about August 22, 2019, Caleb Mcley (“Mr. Mcley”) was at City Barber Shop. On that day, Mr. Mcley believes that Mr. Dupaul was impaired and had been using drugs. Mr. Mcley saw Mr. Dupaul acting erratically, yelling, and sweating profusely. Mr. Mcley observed Mr. Dupaul pick up and throw a stylist chair.
- D. On or about August 22, 2019, Adam Ford (“Mr. Ford”) was at City Barber Shop. On that day, Mr. Ford believes that Mr. Dupaul was impaired and had been using drugs. Mr. Ford witnessed Mr. Dupaul acting belligerently and saw him try to sweep the floor with a broom held upside down. Mr. Ford observed Mr. Dupaul pick up and throw a stylist chair, causing people in City Barber Shop to feel unsafe.
- E. On or about August 22, 2019, Dan Kuraner (“Mr. Kuraner”) was at City Barber Shop. On that day, Mr. Kuraner went to City Barber Shop to get a haircut. While Mr. Dupaul was cutting Mr. Kuraner’s hair, Mr. Dupaul dug the trimmers into the back of Mr. Kuraner’s head and hurt him.
- F. While Mr. Dupaul was cutting Mr. Kuraner’s hair, Mr. Dupaul used a towel to wipe away his own sweat. Mr. Dupaul used this towel on himself and then attempted to use the towel to clean Mr. Kuraner. Mr. Kuraner had to hit Mr. Dupaul’s hand away to prevent the towel from being used to clean his head. Mr. Kuraner left before his haircut was completed and had to have his hair fixed at a later time by a different barber.

G. A Google Review left by Jessica Bowen (“Ms. Bowen”) approximately two months prior to the August 2019 incident indicates that Ms. Bowen’s husband believed Mr. Dupaul was impaired while cutting Ms. Bowen’s son’s hair.

H. An employee (“Employee”) of City Barber Shop has observed Mr. Dupaul working there while impaired on more than one occasion, and believes he is addicted to drugs.

5. Based upon the above information, the Board finds that this case involves imminent danger to public health, safety, and/or welfare. Further, the Board believes there is a reasonable basis for both immediately suspending Mr. Dupaul’s barber license on a temporary basis, and for commencing an expedited disciplinary proceeding against Mr. Dupaul pursuant to RSA 541-A:30, III and Bar 402.03.

6. The purpose of this proceeding will be to determine whether Mr. Dupaul has engaged in professional misconduct contrary to RSA 313-A:22, which warrants the continued imposition of a temporary license suspension, the imposition of permanent disciplinary sanctions, or both. The specific issues to be determine din this proceeding are:

- A. Whether on or about August 22, 2019, Mr. Dupaul committed professional misconduct by cutting hair while impaired in violation of RSA 313-A:22, II(c); and/or
- B. Whether on or about August 22, 2019, Mr. Dupaul committed professional misconduct by throwing a stylist chair in City Barber Shop while clients were present in violation of RSA 313-A:22, II(c); and/or
- C. Whether on or about August 22, 2019, Mr. Dupaul committed professional misconduct by using one towel to wipe sweat from his own face or body and then attempting to use the same towel to try to clean a client in violation of RSA 313-A:22, II(d); and/or
- D. Whether Mr. Dupaul is addicted to drugs to a degree which renders him unfit to practice as a barber in violation of RSA 313-A:22, II(e); and/or

E. If any of the above allegations are proven, whether and to what extent, Mr. Dupaul should be subjected to one or more of the disciplinary sanctions authorized by RSA 313-A:22.

7. While RSA 313-A:23 requires that the Board furnish Mr. Dupaul at least 14 days' notice of allegations of professional misconduct and the date, time and place of an adjudicatory hearing, RSA 541-A:30, III and Bar 402.03 require the Board to commence an adjudicatory hearing within ten (10) working days after the date of an immediate, temporary license suspension order.

8. The Board intends to commence this adjudicative proceeding within the ten (10) working day time period provided RSA 541-A:30, III and Bar 402.03. Accordingly, neither the date of the initial evidentiary hearing nor the date for the conclusion of this proceeding shall be postponed or extended unless Mr. Dupaul agrees to continue the suspension period pending issuance of the Board's final decision in this matter. *See* RSA 541-A:30, III and Bar 402.03.

THEREFORE, IT IS ORDERED that Mr. Dupaul's New Hampshire license is immediately suspended until further order of the Board; and,

IT IS FURTHER ORDERED that an adjudicatory proceeding be commenced for the purpose of resolving the issues articulated above pursuant to RSA 541-A:30, III; and Bar 402.03. To the extent that this order or the Board's rules do not address an issue of procedure, the Board shall apply the New Hampshire Department of Justice Rules, Part 800; and,

IT IS FURTHER ORDERED, that Mr. Dupaul shall appear before the Board on **SEPTEMBER 17TH AT 1:00 pm**, at the Board's office located at 121 South Fruit St., Concord, N.H., to participate in an adjudicatory hearing and, if deemed appropriate, be subject to sanctions pursuant to RSA 313-A:22; and,

IT IS FURTHER ORDERED that if Mr. Dupaul elects to be represented by counsel, at Mr. Dupaul's own expense, said counsel shall file a notice of appearance at the earliest date possible; and,

IT IS FURTHER ORDERED that Mr. Dupaul's failure to appear at the time and place specified above may result in the hearing being held *in absentia*, or the imposition of disciplinary sanctions without further notice or an opportunity to be heard, or both; and,

IT IS FURTHER ORDERED that Attorney Caitlin F. Poole, Administrative Prosecutions Unit, 33 Capitol Street, Concord, N.H., 03301 is appointed to act as Hearing Counsel in this matter with all the authority within the scope of RSA 313-A to represent the public interest. Hearing Counsel shall have the status of a party to this proceeding; and,

IT IS FURTHER ORDERED that Holly Rodrigues, Chairperson, or any other person whom she may designate, shall act as presiding officer in this proceeding; and,

IT IS FURTHER ORDERED that any proposed exhibits, motions or other documents intended to become part of the record in this proceeding, be filed by the proponent with the Board, in the form of an original and seven (7) copies, and with an additional copy mailed to any party to the proceeding, and to Attorney Jon Lavalley, Counsel to the Board, N.H. Department of Justice, 33 Capitol Street, Concord, New Hampshire 03301. All responses or objections to such motions or other documents are to be filed in similar fashion within ten (10) days or as soon as possible upon receipt of such motion or other document unless otherwise ordered by the Board; and,

IT IS FURTHER ORDERED that a witness and exhibit list and any proposed exhibits, pre-marked for identification only, shall be filed with the Board no later than five (5) days before the date of the hearing. Mr. Dupaul shall pre-mark its exhibits with capital letters, and Hearing Counsel shall pre-mark her exhibits with Arabic numerals; and,

IT IS FURTHER ORDERED that unless good cause exists, all motions shall be filed at least three (3) days before the date of any hearing, conference, event or deadline which would be affected by the requested relief, except any motion seeking to postpone a hearing or conference, which shall be filed at least ten (10) days or as soon as possible before the hearing or conference in question; and,

IT IS FURTHER ORDERED that the entirety of all oral proceedings be recorded verbatim by the Board. Upon the request of any party made at least ten (10) days or as soon as possible prior to the proceeding or conference or upon the Board's own initiative, a

shorthand court reporter shall be provided at the hearing or conference and such record shall be transcribed by the Board if the requesting party or agency shall pay all reasonable costs for such transcription; and,


IT IS FURTHER ORDERED that all documents shall be filed with the Board by mailing or delivering them to Kathryn Wantuck, Board Administrator, N.H. Board of Barbering, Cosmetology, & Esthetics, 121 South Fruit St., Concord, New Hampshire 03301; and

IT IS FURTHER ORDERED that routine procedural inquiries may be made by contacting Kathryn Wantuck, Board Administrator, N.H. Board of Barbering, Cosmetology, & Esthetics, at (603) 271-3608, but that all other communications with the Board shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Board's regulations; and,

IT IS FURTHER ORDERED that a copy of this Notice of Hearing shall be served upon Mr. Dupaul by certified mail addressed to the address supplied to the Board in his latest renewal application. *See*, RSA 313-A:23 and Bar 206.03. A copy shall also be delivered to Hearing Counsel.

BY ORDER OF THE BOARD

Dated: 9-3, 2019



Kathryn Wantuck
Board Administrator
Authorized Representative of the
New Hampshire Board of Barbering,
Cosmetology & Esthetics