

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION DIVISION OF LICENSING AND BOARD ADMINISTRATION

Board of Barbering, Cosmetology and Esthetics

7 Eagle Square, Concord, NH 03301-2412

Phone: 603-271-2152

LINDSEY B. COURTNEY
Executive Director



RECEIVED
JOSEPH C. SHOEMAKER
MAR 29 2022

BY: _____

Amount 849.-

March 22nd, 2022 Check 2474

Certified and Regular Mail

AVA NAILS
Angel Pham
4 Coliseum Ave E6
Nashua, NH 03063

Dear Angel Pham,

On February 28th, 2022 the New Hampshire Board of Barbering, Cosmetology, and Esthetics ("Board") reviewed an inspection report issued to you and/or your business January 31st 2022. The inspection report reflects 849 points assessed during this inspection. In accordance with RSA 313-A and administrative rule Bar 404 the Board shall assess fines based on the violations a licensee has accumulated during the inspection.

The Board has determined, in accordance with RSA 313-A and Bar 400, the total number of points assessed during the January 31st 2022 inspection totals: 849 points. The Board has further assessed an administrative fine in the amount of \$849.00

You have three options upon receipt of this notice:

- 1) Pay the fine immediately, payable to "Treasurer, State of NH" no later than within 20 days of receipt of this letter;
- 2) Request, in writing, a pre-hearing conference in accordance with Bar 404.06;
- 3) Request, in writing, a hearing in accordance with Bar 404.07. The Board will thereafter schedule a hearing on the matter.

If you: 1) Pay the fine immediately, payable to "Treasurer, State of NH" no later than within 20 days of receipt of this letter;

Also, sign and mail in attached settlement agreement with payment.

If you fail to pay the assessed fine within 20 days of the date you signed for the notice and fail to request a hearing, the proposed fine will be final.

Sincerely,

Jessica Kennedy
Board Administrator

STATE OF NEW HAMPSHIRE

OFFICE OF PROFESSIONAL

LICENSURE AND CERTIFICATION

BOARD OF BARBERING, COSMETOLOGY, AND ESTHETICS

SETTLEMENT AGREEMENT

In the Matter of:

Case #2022-BAR-AVA NAILS-0136

**AVA NAILS
License #3483**

**ANGEL PHAM
License# 22253**

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 Board of Barbering, Cosmetology, and Esthetics ("the Board") and Ava Nails ("Respondent"), a licensed shop currently licensed in the State of New Hampshire, agree to resolve certain allegations of violations regulating the profession now pending before the Board in accordance with the following terms and conditions:

1. The parties stipulate that Board inspectors have jurisdiction to conduct inspections of shops and schools pursuant to NH RSA 313-A: 21 and administrative rule Bar 404.01.is
2. The parties further stipulate the Board has the authority to issue administrative fines for violations of statutes pursuant to NH RSA Chapter 313-A, and administrative rules PART Bar 404.

3. On January 31st, 2022, a Board inspector conducted an inspection of Ava Nails. As a result of the inspection, the Board has issued an administrative fine in the amount of \$849.00 for, whirlpool foot spa or spa cleaned and disinfected after each use (**300 points**), record of cleaning and disinfecting for whirlpool foot spa, spa (**250 points**), implements & appliances shall be cleaned and disinfected properly (**108 Points**), all implements and supplies which cannot be disinfected shall be disposed of after each use in a closed container (**66 points**), safety data sheets SDS (**100 points**), completed a certified program in the use of electric nail file (**25 points**). Respondent admits to violations contained in the inspection report dated January 31st 2022 and agreed to pay an administrative fine within 20 days of execution of this agreement.
4. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct and shall serve as a separate and sufficient basis for further disciplinary action by the Board.
5. Except as provided herein, this Settlement Agreement shall bar the commencement of further disciplinary action by the Board based upon the violations described above. However, the Board may consider the violations as evidence of a pattern of conduct in the event that similar violations are proven against Respondent in the future.
6. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document.

7. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to Respondent other than those terms and conditions expressly stated herein.
8. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
9. Respondent understands that Respondent's action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
10. Respondent has had the opportunity to seek and obtain the advice of an attorney of Respondent's choosing in connection with Respondent's decision to enter into this *Settlement Agreement*.
11. Respondent 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. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement* has prejudiced Respondent's right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
12. Respondent certifies that Respondent has read this document titled *Settlement Agreement*. Respondent understands that Respondent has the right to a formal adjudicatory hearing concerning this matter and that at said hearing Respondent would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on Respondent's own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, quality and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*,

Respondent waives these rights as they pertain to the violations described herein.

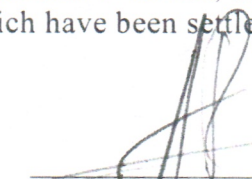
This *Settlement Agreement* shall take effect as an Order of The Board on the date it is signed by an authorized representative of the Board.

FOR RESPONDENT 1

2# RECEIVED
BY APR 8 2022

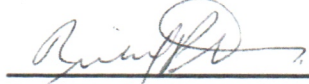
I, **Angel Pham** have reviewed the foregoing Settlement Agreement settling violations pending against me and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement Agreement. Further, **Angel Pham** knowingly and freely waives the right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Dated: 4/26, 2022



Angel Pham
Respondent

On this 26th day of April A.D. 2022 personally appeared the person who subscribe to the following instrument and acknowledged the same as her/his voluntary act and deed before me.



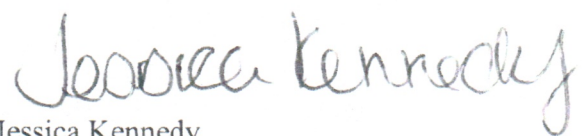
Justice of the Peace/Notary Public

My commission expires:

Notary Public, State of New Hampshire
My Commission Expires Jan. 2, 2025

FOR THE BOARD

Dated: 5/16/22


Jessica Kennedy
Board Administrator
Board of ~~Barbering~~
Cosmetology & Esthetics
New Hampshire Office of
Professional Licensure & Certification
7 Eagle Square
Concord, NH 03301