

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
STATE OF NEW HAMPSHIRE
BOARD OF BODY ART PRACTITIONERS

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PETER D. DANLES
Executive Director



In the matter of:
Adam Mazza
Body Art License No. 0805B
(Adjudicatory/Disciplinary Proceeding)

Docket No. 001

FINAL DECISION AND ORDER

Presiding Officer: Peter Danles, Executive Director
Office of Professional Licensure and Certification

Hearing Counsel: Sheri Phillips, Esq.
Assistant Attorney General
Administrative Prosecutions Unit
Consumer Protection and Antitrust Bureau
New Hampshire Department of Justice

Matthew G. Mavrogeorge, Esquire
Senior Assistant Attorney General
Administrative Prosecutions Unit
Consumer Protection and Antitrust Bureau
New Hampshire Department of Justice

Hearing Counsel Witnesses: Allison Vachon, Investigator
Administrative Prosecutions Unit
Consumer Protection and Antitrust Bureau
New Hampshire Department of Justice

For the Respondent: Adam Mazza, Respondent

Jared Bedrick, Esq., Counsel for Respondent

Respondent Witnesses: N/A

Before the New Hampshire Office of Licensure & Certification is an adjudicatory/disciplinary proceeding in the Matter of Adam Mazza, (“Respondent” or “Mr. Mazza”) in Docket Number 001.

BACKGROUND INFORMATION

This proceeding was commenced by a Notice of Hearing dated February 20, 2019 by the New Hampshire Office of Professional Licensure & Certification (“the OPLC”), to determine whether Mr. Mazza, body art license #0805B committed misconduct sufficient to justify disciplinary action pursuant to RSA 332-G:10. Specifically, by receiving criminal convictions for assaulting female body art clients in Maine and in New Hampshire.

A hearing was held on Friday, March 15, 2019 at the OPLC office in Concord, New Hampshire. The purpose of the hearing was to determine whether the Respondent’s two prior convictions for conduct sexual in nature that had a substantial and direct relationship to his occupation as a body artist, were sufficient grounds to take action on Respondent’s license, pursuant to RSA 332-G:10. A Notice of Hearing (NOH) was mailed to Mr. Mazza at the Board’s last on-file address via US Mail, via certified mail, dated February 20, 2019. A NOH was also mailed to Mr. Mazza’s counsel on February 20, 2019. The NOH sent to Mr. Mazza via certified mail was returned undeliverable to the address Mr. Mazza’s provided OPLC on March 9, 2019. The NOH sent via certified mail to Mr. Mazza’s counsel was returned signed by Mr. Mazza’s counsel’s office on February 28, 2019. The specific issues to be determined in this adjudicatory/disciplinary proceeding were:

- A. Whether Respondent’s two prior convictions, in Maine (2008) and New Hampshire (2018), for conduct sexual in nature that had a substantial and direct relationship to

his occupation as a body artist, constitute grounds to take action on Respondent's license, pursuant to RSA 332-G:10; and/or

- B. Whether the nature of Respondent's two prior convictions, which are based on very similar conduct that occurred while Respondent was giving both victims a tattoo under almost identical circumstances, indicates that Respondent was neither deterred, nor rehabilitated, by the sentence and probation conditions imposed for his Maine conviction and therefore, continues to pose an ongoing danger, risk, and/or threat to the public, thereby justifying taking action against Respondent's license to practice body art, pursuant to RSA 332-G:10.
- C. If any of the above allegations are proven, whether action should be taken against Respondent's license to practice body art pursuant to RSA 332-G:10.

HEARING COUNSEL'S CASE

The following exhibits were introduced into evidence by Hearing Counsel and accepted into the record:

1. New Hampshire Online Licensing verification for Adam Mazza;
2. Case Summary for State v. Mazza, Oxford County Superior Court, South Paris, ME, Docket No. SOPSC-CR-2007-000029;
3. Case Summary for State v. Mazza, 3rd Circuit – District Division, Conway, NH, Case No. 430-2018-CR-00144;
4. Conway Police Department Incident Report, Incident No. 17-1204-OF, Dated October 13, 2017.

5. Denial of application for Tattoo License, Maine Center for Disease Control and Prevention, dated December 14, 2009;

Investigator Allison Vachon testified as witnesses for Hearing Counsel. During Investigator Vachon's testimony evidence was presented that the Respondent had multiple criminal convictions for physically assaulting female clients while giving the victims tattoos. The OPLC Executive Director found the testimony to be credible and unbiased.

RESPONDENT'S CASE

The Respondent also testified and flatly denied any sexual misconduct occurred. In regard to the criminal convictions in the State of Maine, the Respondent denied any sexual misconduct. The Respondent also claimed that he accepted a plea deal for two counts of Class D assault because he was "scared" and thought it was the "best way to deal with it", rather than risk a court proceeding and potentially be found guilty of sexual assault charges.

In regard to the criminal conviction in the State of New Hampshire, the Respondent again denied any sexual misconduct occurred. The Respondent claimed a video surveillance system at his place of employment in Conway, NH would have revealed his innocence, but the duration of time between the alleged behavior and police involvement made retrieving the evidence impossible. According to the Respondent, the video surveillance system was not capable of storing video information for a long period of time. Respondent also stated that he provided a plea of no-contest to Simple Assault as people in similar situations have been found guilty of sexual assault without explanation, referencing high-profile sexual assault cases in the media at the time of the allegations. The Respondent stated that he believed he would have been

negatively “judged” because of his appearance. The OPLC Executive Director found the Respondent’s testimony to be unreliable and, at times, evasive.

FINDINGS OF FACT

1. Respondent was first granted a license to practice Body Art in the State of New Hampshire on April 9, 2007. Respondent holds license number 0805B. The Respondent’s license has since been uninterrupted in the State of New Hampshire and is due to expire on June 30, 2019.
2. The Respondent is currently employed as a tattoo artist at the Tattoo Studio in Conway, New Hampshire.
3. The NH Office of Professional Licensure and Certification (OPLC) first became aware of the Respondent’s 2008 and 2018 criminal convictions from an anonymous complaint received by the OPLC on December 12, 2018.
4. In January, 2007, the Respondent was indicted in Maine for Unlawful Sexual Contact and Assault for inappropriate sexual conduct that occurred while he was completing a tattoo on a female client. Specifically, the female client was in the process of getting a tattoo on her lower back, when the Respondent reached underneath her underwear and digitally penetrated her vagina.
5. On January 23, 2008 the Respondent pled guilty to two counts of Class D Assault and was sentenced to 264 days of incarceration with all but 90 days suspended, and one year of probation that commenced after the Respondent’s release from jail in the State of Maine.

6. The Respondent's requests for a renewal of his tattoo license in the State of Maine were denied on April 22, 2008 and December 14, 2009. Among the factors the Maine Department of Health and Human Services considered for their decision to deny licensure was the Respondent's criminal conduct directly related to the occupation (body art) he was licensed to practice.
7. On October 13, 2017, a female ("the victim") reported to Sergeant William Strong ("Sergeant Strong") of the Conway NH Police Department that she has been sexually assaulted while receiving a tattoo from the Respondent at the Tattoo Studio in Conway, New Hampshire.
8. As a result of the victim's report to Sergeant Strong of the Conway NH Police Department on October 13, 2017, the Respondent was arrested and charged with one count of Sexual Assault and one count of Simple Assault on February 18, 2018.
9. Subsequent to court proceedings in New Hampshire, the Respondent pleaded no contest to the Simple Assault charge and was fined \$620 and given a 12-month sentence at the House of Corrections. The 12-month sentence was suspended for one year pending good behavior. The charge of Sexual Assault was placed on file without a finding for one year pending good behavior
10. The approximate time between the Respondent's criminal convictions while he was a licensed body art practitioner in New Hampshire was nine years and nine months. Not quite six months have elapsed since the Respondent's most recent conviction.
11. The Respondent provided no evidence of rehabilitation during the hearing that took place on March 15, 2019.

CONCLUSIONS OF LAW

The evidence in this matter clearly and convincingly established that there are grounds to take action on Respondent's license pursuant to RSA 332-G:10 as he received multiple criminal convictions for criminal conduct having a substantial and direct relationship to body art.

The nature of Respondent's actions, including the amount of time between the initial conviction and subsequent misconduct established that the Respondent was neither deterred nor rehabilitated by the sentences and probation conditions imposed by the criminal justice system. The Respondent clearly continues to pose an ongoing danger, risk, and threat to the public.

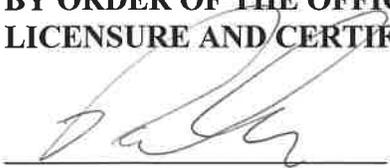
THEREFORE, IT IS ORDERED, pursuant to RSA 332-G:10, the Respondent's license to practice body art is revoked, due to his due to his prior criminal convictions for crimes substantially and directly related to the practice of body art;

IT IS FURTHER ORDERED, that this Final Decision and Order shall become a permanent part of the respondent's file, which is maintained by the OPLC as a public document;

IT IS FURTHER ORDERED, that this Final Decision and Order shall take effect as an order of the OPLC on the date that an authorized representative of the OPLC signs it.

**BY ORDER OF THE OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

Dated: 4/11/19


Peter Danles, Executive Director
NH Office of Professional Licensure and Certification