

**STATE OF NEW HAMPSHIRE
BOARD OF BARBERING, COSMETOLOGY AND ESTHETICS
121 SOUTH FRUIT ST
CONCORD, NEW HAMPSHIRE 03301**

In the Matter of:
Christopher Boylan
Personal Barber License Number: 25650
(Adjudicatory Proceedings)

Docket No. 2014-02

DECISION AND ORDER

By the Board: Holly Rodrigues, Chair and Presiding Officer
Aaron Losier, Board Member
Michelle Kapos, Board Member
Kimberly Hannon, Board Member

Appearances: Michelle Heaton, Hearing Counsel
Christopher Boylan, Respondent

BACKGROUND

On December 19, 2013 the New Hampshire Board of Barbering, Cosmetology, and Esthetics ("Board") issued a Notice of Hearing commencing a public disciplinary proceeding to determine whether Christopher Boylan ("Respondent") had violated RSA 313-A:22 II (b).

As set forth in the Notice of Hearing, the purpose of the hearing was to determine whether the Respondent violated RSA 313-A:22 II (b) by committing professional misconduct by conviction of a felony.

The Notice of Hearing noticed the hearing for 9:30 am on March 3, 2014. The Respondent appeared for the hearing as scheduled.

The Board accepted the following exhibits at the hearing:

Hearing Counsel's 3 (three) exhibits:

- Exhibit 1, Undated letter to the Board from Christopher Boylan.
- Exhibit 2, Letter to the Board from PPO Adam Brickner dated July 16, 2013.
- Exhibit 3, Criminal History Record for Christopher Boylan dated July 29, 2013.

HEARING TESTIMONY

I. Hearing Counsel's Case

The Board has the authority to grant barbering licenses. See RSA 313-A:10. On or about December 13, 2010 the Board reviewed an apprentice application for the Respondent to enroll at New England School of Barbering in the barber program. The Respondent answered "yes" to question number one on the questionnaire "Have you been convicted of a felony or misdemeanor, other than a traffic violation, which has not been annulled by the court?". The Respondent application included a Criminal History Record dated November 11, 2010. The Criminal History Record revealed a 2007 conviction for Possession of Controlled Drug, Cocaine, and Possession of Controlled Drug, Marijuana. The Board approved the Respondent's application.

On or about November 18, 2011, the Board granted the Respondent a license to practice barbering in the State of New Hampshire. The Respondent holds barbering license number 25650. The barbering license is the Respondent's personal license. On or about July 29, 2013 the Board received a renewal application from the Respondent. The renewal application included a Criminal History Record dated July 29, 2013 which revealed a 2012 felony conviction for Possession of Controlled Drug, Heroin, Crack, Sales etc. The Respondent was sentenced to 12 months Merrimack House of Corrections, 78 days credit time served, six months of the sentence suspended for two years. See Exhibit 3.

II. Respondent's Case

Mr. Boylan thanked the Board for meeting with him and apologized for not representing the barbering profession as it should be. Mr. Boylan testified he has been working hard to get his life back on track working full time in a restaurant. Mr. Boylan testified he spent time in jail and completed a 28-day program, and stays in compliance with probation. Mr. Boylan further testified that he loves barbering and does not want to lose his license. Mr. Boylan also submitted to the Board a letter of recommendation from his current manager, Kristen Lachance, a letter of compliance from his probation officer, Adam Brickner, and a letter of recommendation from a prospective employer, Andrew Turgeon. The Board accepted the letters.

III. The Board's Questions

In response to the Board's questions, the Respondent testified he was continuing attending AA and NA meetings regularly and also has a sponsor.

FINDINGS OF FACT

The Board took into consideration all testimony and exhibits. Respondent was first granted a license for barbering in the State of New Hampshire on November 18, 2011. The Board found that the Respondent disclosed in his initial application for licensure that he had previously been convicted of various misdemeanor violations relating to the possession of controlled substances and driving under the influence. The Board also found that the Respondent pled guilty on September 28, 2012 in Merrimack Superior Court to the felony charge of operating a motor vehicle after being certified as a habitual offender. The Board further found that the Respondent pled guilty on January 25, 2013 in Merrimack Superior Court to the felony charge of possession of a controlled substance. In his renewal application dated July 29, 2013, Respondent disclosed that he had been convicted of a felony.

RULINGS OF LAW

The Board makes the following rulings of law:

1. On or about September 28, 2012, the Respondent violated RSA 313-A:22, II (b) by committing professional misconduct by conviction of a felony.
2. On or about January 25, 2013, the Respondent violated RSA 313-A:22 II (d) by committing professional misconduct by conviction of a felony.

DISCUSSION AND CONCLUSION

The Board has the authority to undertake disciplinary action against a licensee, after a hearing and a finding that the licensee has committed misconduct as described above or has engaged in acts that pose a threat to public health and safety. RSA 313-A:22; Bar 402.01.

The Board concludes the Respondent violated RSA 313-A by conviction of a felony on or about September 28, 2012 and January 25, 2013.

DISCIPLINARY ACTION

THEREFORE IT IS ORDERED, the Respondent' personal license is conditioned subject to a period of probation for two years effective from the date of this order. Respondent shall be of good professional behavior.

IT IS FURTHER ORDERED, that the Respondent shall maintain ongoing counseling with a Licensed Alcohol and Drug Counselor (LDAC). Respondent shall provide two reports per year of the probationary period from the LDAC detailing the Respondents fitness to practice.

IT IS FURTHER ORDERED, that the Respondent shall stay in compliance with the terms of probation from the Department of Corrections.

IT IS FURTHER ORDERED that the Respondent's failure to comply with any term of the conditions imposed by this Order shall constitute professional misconduct pursuant to RSA 313-A:22 II (c) and a separate and sufficient basis for further disciplinary action against the licensee.

IT IS FURTHER ORDERED that this Order shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document.

IT IS FURTHER ORDERED that this Order shall take effect as an Order of the Board on the date as authorized representative of the Board signs it.

BY ORDER OF THE BOARD

Date: 4-14-14


Kathryn Wantuck, Executive Director
Authorized Representative of the Board