

**State of New Hampshire
Barbering, Cosmetology & Esthetics Board
Concord, New Hampshire 03301**

In the Matter of:
Merriel Patterson
Shop License No. 1351
Cosmetology License No. 5065
Tanning License No. 380
(Misconduct Allegations)

SETTLEMENT AGREEMENT

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 New Hampshire Board of Barbering, Cosmetology & Esthetics (“Board”) and Merriel Patterson (“Respondent”), a licensee of the Board, do hereby stipulate and agree to the following terms and conditions regarding Respondent’s shop and personal license:

1. Pursuant to RSA 313-A:22, RSA 541-A and Board of Barbering, Cosmetology & Esthetics Administrative Rule (“Bar”) 206.01 et seq., the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by the Board’s licensees. Pursuant to RSA 313-A:8, and Bar 217.02(c) the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. Respondent holds shop license number 1351, cosmetology license number 5065, and tanning license number 380.
3. Respondent neither admits nor denies the allegations herein, but stipulates that if a disciplinary hearing were to take place, the Board could make the following factual findings to support the conclusion that Respondent engaged in professional misconduct as defined by RSA 313-A, by the following facts:
 - A. Respondent is the owner of Country Cuts & Styles at 593-1 NH Route 10, Orford, NH.
 - B. Respondent holds cosmetology license #5065, shop license #1351, and tanning license #380.
 - C. Respondent has failed to renew her cosmetology license several times as follows:
 - Respondent’s license expired on 12/30/2004 and she did not renew until 2/9/2005.
 - Respondent’s license expired on 12/30/2008 and she did not renew until 5/21/2009.

- Respondent's license expired on 12/30/2010 and she did not renew until 5/6/2011.
 - Respondent's license expired on 12/30/2012 and she did not renew until 1/28/2013.
 - Respondent's license expired on 12/30/2014 and she has not renewed her license.
- D. Respondent has failed to renew her shop license several times as follows:
- Respondent's shop license expired on 12/30/2007 and she did not renew until 2/28/2008.
 - Respondent's shop license expired on 12/31/2009 and she did not renew until 2/24/2010.
 - Respondent's shop license expired on 12/31/2011 and she did not renew until 2/17/2012.
 - Respondent's shop license expired on 12/31/13 and she did not renew until 4/18/2014.
 - Respondent's shop license expired on 12/30/15 and she has not renewed her license.
- E. Respondent has been fined several times for failing to renew her licenses on time.
- F. Respondent has a balance of \$800 owing as a result of her failure to renew her licenses on time.
- G. On July 8, 2015, Sandra Hodgdon, Inspector for the Board, conducted an inspection of Country Cuts & Styles and assessed a fine of \$305 for violations including but not limited to: a foot spa that was not properly cleaned and disinfected, a pedicure area not properly disinfected, and several implements that were not cleaned and disinfected properly and were not stored properly.
- H. The July 8, 2015 fine for \$305 was reduced to \$142.
- I. On February 12, 2014, Inspector Hodgdon conducted an inspection of Country Cuts & Styles and assessed a fine of \$207 for violations including but not limited to: a dirty foot spa and several implements that were not cleaned and disinfected properly and were not stored properly.
- J. Respondent has paid \$20 of her outstanding sanitation fines.
- K. Respondent has a balance of \$329 owing as a result of the July 8, 2015 and the February 12, 2014 inspections.
- L. Respondent no longer has a working tanning booth in her salon.
4. Respondent consents to the Board imposing the following discipline, pursuant to RSA RSA 313-A:22, III:
- A. Respondent is REPRIMANDED for failing to renew her licenses timely.
 - B. Respondent's outstanding fine for \$800 for failing to renew her licenses timely is SUSPENDED for a period of five (5) years. If Respondent

renews her personal and shop licenses on time during the suspension period, the fine will be annulled. However, if Respondent fails to renew either of her licenses on time during the suspension period, the \$800 fine will be reinstated.

- ~~C.~~ Respondent will pay a minimum of \$50 per month toward her outstanding sanitation fines which total \$329 until the full amount has been paid.
 - D. Respondent agrees to renew both her shop license and cosmetology licenses within seven (7) days of the effective date of this agreement.
 - E. Respondent agrees she will renew her licenses timely in the future.
 - F. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 313-A:22, II(c), and 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 misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
 6. This *Settlement Agreement* shall become a permanent part of 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 her 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 her 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 her choosing in connection with her decision to enter into this 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* have prejudiced her right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.

12. Respondent is not under the influence of any drugs or alcohol at the time she signs this *Settlement Agreement*.
13. Respondent certifies that she has read this document titled *Settlement Agreement*. Respondent understands that she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, she waives these rights as they pertain to the misconduct described herein.
14. 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

Date: _____

Merriel Patterson
Respondent

Date: _____

Counsel for Merriel Patterson

FOR THE BOARD

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: 8/8/11 _____

(Signature) 

(Print or Type Name)
Authorized Representative of the
New Hampshire Board of Barbering,
Cosmetology & Esthetics

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- 12. Respondent is not under the influence of any drugs or alcohol at the time she signs this *Settlement Agreement*.
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- 14. 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

Date: 8/8/2016

Merril Patterson
Merril Patterson
Respondent

Date: _____

Counsel for Merril Patterson

FOR THE BOARD

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above:

Date: 8/8/16

[Signature]
(Signature)

(Print or Type Name)
Authorized Representative of the
New Hampshire Board of Barbering
Cosmetology & Esthetics