

**State of New Hampshire
Board of Barbering, cosmetology, and Esthetics
Concord, New Hampshire**

In the Matter of:

Nicole Reis; My Reis Salon

License No. Individual: 13966; Salons: 3146, 4113

(Misconduct Allegations)

Docket No. 2019-04

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 cosmetology and esthetics, the New Hampshire Board of Barbering, Cosmetology, and Esthetics (“Board”) and Nicole Reis (“Respondent”), a cosmetologist licensed by the Board, and the owner of two salons also licensed by the Board and both known as “My Reis Salon,” one located in Portsmouth (“Portsmouth Salon”), and one located in Exeter (“Exeter Salon”) do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 313-A:22, I, and Board Administrative Rule (“Bar”) 217.01, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by its licensees. Pursuant to Bar 217.02 (c), the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to operate the Exeter Salon in 2008; it was issued license number 3146, which expires on August 31, 2019. Respondent applied for a license to operate the Portsmouth Salon in 2016, and was issued license number 4113, which also expires on August 31, 2019. Respondent also holds a license to practice cosmetology, license number 13966, which expires on August 31, 2020.
3. In August of 2017, Respondent submitted an application to the Board to serve as a shop instructor for a cosmetology apprentice. The apprenticeship was to be served in Respondent’s Exeter Salon.

4. In August of 2018, a Board Inspector visited Respondent's Portsmouth Salon. The Inspector found that Respondent's apprentice was in the Salon, working on a customer. The Inspector knew that Respondent had not supplied the required monthly reports to the Board concerning the apprenticeship. During the inspection, Respondent, who was present, stated that she was not the apprentice's instructor. For all of the violations found, a fine of \$375.00 was assessed. Respondent did not pay the fine.
5. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would prove that Respondent engaged in professional misconduct, in violation of RSA 313-A:22, II (i), and/or Bar 301.01 (f) (1), and/or Bar 301.04 (c), (d), (e) (f), and/or (i), and/or Bar 404.01 (m), and/or Bar 501.02 (a), (b), and/or (k) , by the following facts:
 - A. On or about August 17, 2017, Respondent submitted an application to the Board to serve as instructor for an apprentice in her Exeter Salon.
 - B. Thereafter, Respondent failed to submit to the Board the required monthly reports of hours worked and tests taken by her apprentice.
 - C. On August 31, 2018, Respondent allowed her apprentice to work in her Portsmouth Salon.
 - D. On August 31, 2018, Respondent allowed her apprentice to work on a customer in her Portsmouth Salon, despite the failure to submit reports to the Board showing that the apprentice had qualified to do this.
 - E. On August 31, 2018, Respondent allowed her apprentice to work in her Portsmouth Salon without wearing a name tag identifying her as an apprentice.
 - F. On August 31, 2018, Respondent failed to cooperate in the Board's investigation and refused to sign the inspection report. Respondent further denied that she was the apprentice's instructor.
6. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 313-A:22, II (i) and the Board rules set forth above.

7. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent's license to practice as a cosmetologist, and to operate her salons in the State of New Hampshire.
8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 313-A:22, III:
 - A. Respondent is **REPRIMANDED**.
 - B. Respondent's license is **LIMITED** in that she may not serve as an apprentice instructor for a period of three (3) years from the effective date of this Settlement Agreement, and until she demonstrates to the Board that she understands the rules governing apprenticeships.
 - C. Respondent shall pay the **FINES** assessed at the August 31, 2018 inspection forthwith.
 - D. In addition, Respondent is assessed an **ADMINISTRATIVE FINE** in the amount of \$500.00. Respondent shall pay this fine in full within sixty (60) days of the effective date of this *Settlement Agreement*, as defined further below, by delivering a money order or bank check, made payable to "Treasurer, State of New Hampshire," to the Board's office at 121 S. Fruit Street, Concord, New Hampshire, 03301.
9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant RSA 313-A:22, II, and a separate and sufficient basis for further disciplinary action by the Board.
10. 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 the fact that discipline was imposed by this Settlement Agreement as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.

12. 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. Respondent further agrees that she has been subject to no coercion, undue influence, or duress in connection with her decision to sign this *Settlement Agreement*.
13. 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.
14. 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.
15. 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.
16. 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.
17. Respondent is not under the influence of any drugs or alcohol at the time she signs this *Settlement Agreement*.
18. 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.
19. 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: 8/20/19

Nicole Reis
Nicole Reis
Respondent

Date: _____

Counsel for Respondent (if any)

FOR THE BOARD/*

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

Date: 8-19-19

Holly Rodrigues
(Signature)

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

/* _____, Board members, recused.