



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

PUBLIC MINUTES
Monday, July 18, 2022

The July 18, 2022 Board meeting was called to order at 9:15 a.m. at 7 Eagle Square, Concord, NH with the following members present:

Jeanne Chappell, Chair, School Owner Member
Kimberly Hannon, Vice Chair, Cosmetologist Member
Sarah Partridge, Public Member
Joshua Craggy, Barber Member

MINUTES

The Board approved the public minutes of May 16, 2022 as written on a motion from Kimberly Hannon, seconded by Sarah Partridge.

HEARINGS

Mark Wheeler

The Show Cause Hearing regarding Mr. Wheeler's Barber School Apprentice application commenced at 9:27 a.m. The Respondent appeared at the meeting in person. Pursuant to RSA 332-G:10 and RSA 332-G:13, the burden of proof at this hearing was on the Board to show, by clear and convincing evidence, that the Applicant's criminal record disqualifies him from obtaining state recognition. The Board called the Applicant as its only witness and, after he was sworn in under oath, asked him questions related to a class A misdemeanor conviction. The Board had concerns due to the nature of the offense and the lack of detail the Applicant had provided about the conviction in the written statement submitted with his application. The record was closed at 9:39 a.m. After deliberation in non-public session, on a motion from Jeanne Chappell and a second by Sarah Partridge the Board voted unanimously to approve Mr. Wheeler's application.

Nicholas Phinney

The Show Cause Hearing regarding Mr. Phinney's Barber School Apprentice application commenced at 9:40 a.m. The Respondent appeared at the meeting via zoom. Pursuant to RSA 332-G:10 and RSA 332-G:13, the burden of proof at this hearing was on the Board to show, by clear and convincing evidence, that the Applicant's criminal record disqualifies him from obtaining state recognition. The Board called the Applicant as its only witness and, after he was sworn in under oath, asked him questions related to his disorderly conduct convictions, and class A misdemeanor assault conviction. The record was closed at 10:01 a.m. After deliberation in non-public session, on a motion from Jeanne Chappell and a second by Sarah Partridge the Board voted unanimously to approve Mr. Phinney's application.

Meghan Prescott

Board member Sarah Partridge was recused from this matter. The hearing commenced at 10:03 a.m. Ms. Prescott was not in attendance. After confirming with Board



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

Administration and Prosecution that the licensee had been properly noticed, the Board voted to proceed with the hearing in absentia pursuant to rule 203.01(c). Inspector Sandra Hodgdon was sworn in and testified that she routinely sees consistent layout similarities within shops as well as consistency of tools and equipment typically used by manicurists. An inspection was performed in response to a complaint received. The complaint alleged that Ms. Prescott was operating an unlicensed shop. Ms. Hodgdon testified that upon visiting the address, she could see a pedicure chair with a basin, a manicure cart, and manicuring products. She also could see a manicure table with a lamp, products, and implements set up. Ms. Hodgdon testified that it appeared to be set up as an active nail salon. The hearing concluded at 10:41 a.m. On a motion from Kimberly Hannon and a second by Joshua Craggy, the Board voted unanimously to issue a \$500 administrative fine to be paid within 90 days, and issue a 1 year restriction on Ms. Prescott's license restricting her from owning a shop.

LEGISLATION/RULES

Plc 1002 – Application Fees Specific to Each Profession have been submitted to JLCAR with an anticipated review at the 7/21/22 meeting.

ENFORCEMENT

OPLC Inspectors Sandra Hodgdon and Shannon Avery presented the Board with proposed email notifications to send to licensees. The inspectors noted that they have been receiving positive feedback from the eye wash station notification email blast that was sent out. On a motion by Joshua Craggy, seconded by Jeanne Chappell, the Board voted to approve the distribution of the proposed email notification.

MISCELLANEOUS BOARD MATTERS

NACCAS Notice of Commission Action – The Board reviewed notification of actions taken; Michael's School of Hair Design Withdrawal of Accreditation (With Right to Appeal), Empire Beauty School Approval of New 900-Hour Esthetics Program.

The Professional Beauty Association – The Board reviewed notification of FDA approval of Silver Nitrate.

SETTLEMENT AGREEMENT(S) & FINES PAID:

On a motion by Joshua Craggy, seconded by Jeanne Chappell, the Board voted to approve the following paid fines and signed settlement agreements reviewed during non-public session;

- Castle Nails & Spa - \$790.00
- Moderno Barbershop/Amaury Mercado - \$775.00
- Luxe Lashes by Antonia - \$505.00
- KG Barbershop/Kevin Guzman - \$500.00
- Shh...It's a Salon - \$350.00
- Beauty by the Bridge - \$300.00



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

- Envy Tanning Salon - \$300.00
- Elevate, LLC - \$200.00
- European Esthetics - \$50.00
- Salon Exodus - \$50.00
- Contours Hair Salon - \$50.00
- Do or Dye Salon - \$50.00
- Robin Goodwin - \$50.00
- Penchan Murphy - \$50.00

7/18/22

Motion to commence non-public session: 10:43 a.m.

On the motion of Joshua Craggy, seconded by Jeanne Chappell, the Board voted to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and noting that such a non-public session is authorized by RSA 91-A: 3, II (c), RSA 91-A: 3, II (e), RSA 91-A: 5, IV, *Lodge v. Knowlton*, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present. The Board returned to public session at 11:15 a.m. on the motion of Sarah Partridge and second by Kimberly Hannon.

Motion to commence non-public session: 11:48 a.m.

On the motion of Joshua Craggy, seconded by Jeanne Chappell, the Board voted to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and noting that such a non-public session is authorized by RSA 91-A: 3, II (c), RSA 91-A: 3, II (e), RSA 91-A: 5, IV, *Lodge v. Knowlton*, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present. The Board returned to public session at 2:46 p.m. on the motion of Sarah Partridge and second by Joshua Craggy.

The meeting adjourned at 2:48 p.m.

NON-PUBLIC SESSION: 10:43 a.m.

[Minutes kept separately]

Motion to keep minutes of non-public session confidential:

Upon the motion of Sarah Partridge, seconded by Kimberly Hannon, the Board voted to withhold and seal all the minutes of the preceding non-public session from public disclosure pursuant to



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

RSA 91-A:3, III on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a Board member and to render the proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.

NON-PUBLIC SESSION: 11:48 a.m.

[Minutes kept separately]

Motion to keep minutes of non-public session confidential:

Upon the motion of Sarah Partridge, seconded by Joshua Craggy, the Board voted to withhold and seal all the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A:3, III on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a Board member and to render the proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.