



Public Agenda Minutes

Barbering, Cosmetology & Esthetics Board
Sep 19, 2022 at 9:00 AM EDT

Attendance

Members Present:

Jeanne Chappell Board Chair Joshua Craggy Barber Member, Kimberly Hannon Cosmetology Member, Sarah Partridge Public Member, Sheri Phillips Board Counsel, Shana Warriner Board Administrator, Talia Wilson Board Administrator, Tracey Pappas Board Administrator

Guests Present:

Shane Goulet Presiding Officer

Call to order at 9:08am

Motion:

To accept Shane Goulet as Presiding Officer

Motion moved by Sarah Partridge and motion seconded by Joshua Craggy. Motion passes with roll call vote

I. Approval of Public Minutes

'Motion:

Approve the Public Minutes from 8/15/2022 meeting

Motion moved by Sarah Partridge and motion seconded by Joshua Craggy. Motion passes with a roll call vote

II. Hearings

The hearing commenced at 9:30 am with the Respondent Tin Nguyen owner of Eden Nails. Mr. Nguyen objected to Attorney Phillips exhibits from past inspections due to the statute of limitations being 5 years. On a motion by Joshua Craggy and second by Sarah Partridge to have a non meeting to confer with Board Counsel Sherri Phillips. The Board reconvened at 10:03am on a motion from Joshua Craggy and second from Kimberly Hannon. Hearing Counsel Shane Goulet ruled the allowance of prosecution exhibits #2-7 for the Board to take administrative notice of Board documents for the narrow purpose of disciplinary sanctions. Witness Sandra Hodgdon was sworn in and testimony was given. On a motion from Joshua Craggy and second by Sarah Partridge the Board recessed at 10:49 am at the request of Mr. Nguyen and reconvened at 11:03 am.

Attorney Phillips called Mr. Nguyen and he was sworn in for testimony. On a motion from Joshua Craggy and second by Sarah Partridge the Board recessed at 11:39 am at the request of Mr. Nguyen and reconvened at 11:45am.

After reviewing all the documentary evidence, drawing all reasonable inferences therefrom, and taking into account the presentation and demeanor of all the witnesses, the Board finds that Hearing Counsel has met his burden of proof that the Licensee has committed professional misconduct. On a motion by Jeanne Chappell and second by Kimberly Hannon, the Board voted unanimously to suspend Mr. Nguyen's Manicure license and Eden Nail shop license pending completion of the terms as outlined in the final decision and order. Impose an administrative fine of \$1,976, \$500.00 investigative fee to be paid in full in 180 days, and 3 years probation with any violation of the Boards rules relating to sanitation and hygiene over 100 points shall constitute misconduct.

III. Enforcement Public Updates

N/A

IV. Old Business

N/A

V. New Business

Motion:

To accept 2023 meeting dates

Motion moved by Joshua Craggy and motion seconded by Kimberly Hannon.

Motion passes with a roll call vote

NIC Exam

The Board was notified that the National Interstate Counsel has new examination development, maintenance and psychometric services company that NIC will be utilizing. NIC has entered into an agreement with Prov, INC for these services.

While in discussion regarding exams Kimberly Hannon expressed concerns about students having their exams rescheduled without being notified. Jeanne Chappell expressed concerns about incorrect fee amounts on correspondence to students. Heather Kelly from OPLC finance was asked to attend this part of the meeting in order for the Board to notify her of the above mentioned concerns .

Heather Kelly will follow up with Prometric and will notify the Board Admin when she has more information.

VI. Non Public

The Board moved to Non Public session at 12:57pm, 1:33pm, 1:53pm. , 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.

VII. Sealing of Non Public Minutes

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.

VIII. Adjournment

Motion:

Motion to Adjourn at 3:48pm

Motion moved by Sarah Partridge and motion seconded by Joshua Craggy. Motion passed by a roll call vote