



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, May 15, 2023

The May 15, 2023, Board meeting was called to order at 9:07 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
Donna Woodsom, Esthetic Member
Talia Wilson, Senior Board Administrator
Teresa Boyer, Board Administrator
Elizabeth Eaton, Board Counsel
Shane Goulet, Hearings Officer
Joshua Craggy- Master Barber Member-Absent

The below times are notated for when the Board took breaks from session.

12:53pm to 1:00pm

I. MINUTES

The Board approved the public minutes of April 17, 2023, and May 2, 2023, as submitted on a motion from Jeanne Chappell and seconded by Kimberly Hannon, the motion passes with a roll call vote.

II. PUBLIC APPEARANCES

Thomas Joyce from the Barber Academy addressed the Board regarding a denial notice he received in regard to adding a Massachusetts curriculum. After discussion Board Counsel said she would review the Boards Laws and Administrative Rules and return to the Board at the next meeting with further guidance.

III. HEARINGS

A. Cozy Nails – Adjudicatory

Hearings Officer: Shane Goulet

Hearing Counsel: Collin Phillips

Witness(s): Sandra Hodgdon, OPLC Inspector, Shannon Avery, OPLC Inspector

Respondent: Huy Dinh



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

Respondent Counsel: Attorney Jack Crisp
Ms. Ling: Interpreter

Hearing commenced at 9:30 am. Attorney Collin Phillips called Sandra Hodgdon as a witness and gave testimony on a routine inspection that occurred on July 26, 2022. During her inspection multiple violations were found to include the discovery of a rasp file and three agitators she determined were not cleaned and sanitized properly. Attorney Phillips put on record that the shop was still on probation for 3 years from a previous settlement agreement from 2021. Attorney Phillips recommended sanctions as the same in another salon with multiple violations while on probation and for the shop license to be revoked.

Respondent Counsel Crisp called the respondent to give testimony that they do not use the rasp file on clients, and they clean the agitators after each client and put all the dirty ones in a bin for cleaning and sanitation. Respondent Counsel Crisp then called Jenna Roberts as a witness, and she testified that she has been visiting this salon for 15 years and it is clean and that the rasp file is not available for use on clients. She visits the Salon every 3-6 weeks. She stated that the Salon is important to the community and contributes to many organizations. Respondent Counsel Crisp then called Thuy Moulton sister of owner and manager of the Salon since 2021 as a witness. She demonstrated for the Board on how they clean the agitators and testified she does not know where the rasp was when the inspectors brought it to her attention. The witness then testified that she was nervous when asked about the rasp file and told the inspectors that it was hers, her answer was amended. Witness also testified that rasp files are not for use on clients. Witness Mr. Dinh owner of the Salon testified he was not present during the inspection. Mr. Dinh testified when asked why he signed previous settlement agreements he stated he was unaware of what he was signing. Going forward Mr. Dinh will seek legal advice.
Hearing closed at 11:46 am.

B. Paul Nails – Adjudicatory – Hearing Continued

C. Soft Touch Nails – Adjudicatory

Hearings Officer: Shane Goulet
Hearing Counsel: John Garrigan
Witness(s): Sandra Hodgdon
Respondent: Liem Duong
Ms. Ling: Interpreter



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

Hearing commenced at 11:58 am. Attorney John Garrigan submitted finding of fact as offer of proof and called inspector Sandra Hodgdon to testimony that the information was true and accurate to the best of her knowledge.

Respondent gave testimony that the expired licenses were employees that no longer work at the Shop. Mr. Duong testified once he found out his employee did not hold a NH license she had stopped working at the Salon at that time. Mr. Duong stated the inspector had not inspected all 12 tables in the Salon during the inspection. Mr. Duong stated they clean the tables when they have time to. The reason for all the agitators in the bucket is because they have extras and that's where they store them. Hearing closed at 12:50 pm.

D. Tyson Nails & Spa - Hearing Continued

E. A Little off The Top-Tanning

Hearings Officer: Shane Goulet

Hearing Counsel: Colin Phillips

Respondent: Kimberly Wakefield

Witness(s): Tyrone Wakefield, Shannon Avery OPLC Inspector

Hearing commenced at 1:02 pm. The Salon license had been suspended due to violations found during a routine inspection. Attorney Colin Phillips called OPLC Inspector Shannon Avery as a witness and gave testimony that she observed clients setting their own timers for the tanning bed/booth and 2 people in the same booth tanning. Ms. Avery testified that the tanning bed bulbs were black and appeared to be faulty. Ms. Avery asked for the tanning records and the employee of the Salon could not produce them after speaking with the owner on the phone as to where they were kept. Ms. Avery asked the employee what ages can tan here, and the employee stated they let 16–18-year-olds tan with parental consent. Tanning certificates were not posted in the Salon at the time of the inspection.

Respondent testified when she opened the Salon in 2020 and passed her inspection that she was operating safely and by the laws and rules of this profession. Ms. Wakefield stated the clients' records were in the office in the Salon and the employee could not find those records. Ms. Wakefield also testified that she keeps track of client visits through punch cards when they visit the Salon. Ms. Wakefield stated she does not allow underage clients to tan if they look young, she asks for I.D. Ms. Wakefield stated that her employees are booth renters as she operates a hair salon at



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

this location, and they are not certified in tanning. Herself and 2 employees are certified for tanning. She has been in the business for 30 years 20 of which as a business owner. Owner was not present at the time of the inspection. Ms. Wakefield testified that her husband Tyrone Wakefield will be moving the timers to the front of the Salon out of reach from the clients. Hearing closed at 2:23 pm.

ENFORCEMENT

None

IV. Applications

A. Cross Over Requests

NONE

B. Reciprocity

1. Carmel Buckley - Esthetician

On a motion by Jeanne Chappell seconded by Kimberly Hannon the Board voted to approve.

2. Lunana Ferreira – Cosmetologist

On a motion by Jeanne Chappell seconded by Kimberly Hannon the Board voted to approve.

3. Andrew Pham – Manicurist

On a motion by Jeanne Chappell seconded by Sarah Partridge the Board voted to approve.

C. Shop

NONE

VI. Board Reporting

None

VII. Old Business

None



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

VIII. NEW BUSINESS

None

IX. OPLC/Board Administrator Updates

None

X. LAWS AND RULES

A. Bar 200, 300, 400 - Hearing

Hearing commenced at 2:27 pm there was no public comment. Hearing closed at 2:42 pm.

Motion to commence non-public session: 2:44 pm

On the motion of Jeanne Chappell, seconded by Kimberly Hannon 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.

Motion to keep minutes of non-public session confidential:

Upon the motion of Sarah Partridge, seconded by Donna Woodsom, the Board voted to withhold and seal all the minutes of the proceeding 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.

Adjournment

Sarah Partridge made a motion to adjourn at 4:18 pm Donna Woodsom seconded; motion passes with a roll call vote.