



STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
BOARD OF BARBERING, COSMETOLOGY & ESTHETICS

7 EAGLE SQUARE, CONCORD, NH 03301-4980
Telephone: 603-271-2152
TDD Access: Relay NH 1-800-735-2964
www.oplc.nh.gov

PUBLIC MINUTES
Monday November 20, 2023

The November 20, 2023, Board meeting was called to order at 9:09a.m. at 7 Eagle Square, Concord, NH with the following members present:

Jeanne Chappell, Chair, School Owner Member
Sarah Partridge, Public Member
Donna Woodsom, Esthetic Member
Sarah Joe, Cosmetology Member
Joshua Craggy - Absent
Talia Wilson, Senior Board Administrator
Teresa Boyer, Board Administrator
Elizabeth Eaton, Board Counsel

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

11:40am to 11:54am

I. MINUTES

A. Approval of Public Minutes from October 16, 2023

On a motion by Sarah Partridge and seconded by Jeanne Chappell the Board voted to approve the public minutes of October 16, 2023, as submitted.

II. PUBLIC APPEARANCES

None



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III. HEARINGS

A. Amara - Adjudicative - 9:30am – 2023-BAR-031

Hearing Officer: Nikolas Frye
Bethany Davis: Shop Owner
Marissa Schuetz: Hearing Counsel

Hearing Officer Nikolas Frye opened with a pre-hearing conference at 9:30am to review process and preliminary matters. The pre-hearing was closed at 9:38am.

The hearing commenced at 10:09am. The issues to be considered are as follows:

- (1) Whether the Licensee committed professional misconduct as defined at RSA 313-A:22, II(c) (see RSA 313-A:17) by allegedly failing to have their license in a conspicuous place adjacent to or near the person's workstation.
- (2) Whether the Licensee committed professional misconduct as defined at RSA 313-A:22, II(i) (see Rule 404.09(f)) by allegedly failing to display their license as required. See RSA 313-A:17.
- (3) If the Board makes a finding of misconduct, what if any discipline the Board should impose upon the Licensee's license pursuant to RSA 313-A:22, III, RSA 310:12, and N.H. Code Admin. R. Bar 402.

Officer Frye swore in Ms. Davis for testimony. Testimony was given and the hearing closed at 10:17am.

Deliberations were held in non-public session.

B. Ramon Antonia Vasquez Reyes -Application Show Cause 2023-BAR-043

Hearing Officer: Nikolas Frye
Ramon Antonia Vasquez Reyes: Respondent
Luisa Perez – Interpreter Language Bank

The hearing commenced at 9:39am. The issues to be considered are as follows:

Whether, pursuant to RSA 313-A:10, I(b), the Applicant can produce a high school diploma or its equivalent. See N.H. Code Admin. R. Bar 301.07(c)

Officer Frye swore in Mr. Reyes and the Interpreter for the hearing. Mr. Reyes gave testimony regarding his application and the hearing closed at 9:56am. Deliberations were held in non-public session.



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C. Red Persimmon 2023-BAR-012

Hearing Officer: Nikolas Frye

Marissa Schuetz: Hearing Counsel

Huong Khong: Shop Owner - *Not in Attendance

Chief Inspector Sandra Hodgdon: Witness for Prosecution

The hearing commenced at 10:18am. The issues to be considered are as follows:

- (1) Whether the Licensee committed professional misconduct as defined at RSA 313-A:22, II(c), RSA 313-A:22, II(d), and/or RSA 313-A:22, II(i) (see N.H. Code Admin. Rs. Bar 404.09, 302.05, and/or 302.07) by allegedly operating a shop with one or more of the related health and safety violations, as set out in the inspection report, dated 1/10/22 and in previous inspection reports.
- (2) Whether the Licensee committed professional misconduct as defined at RSA 313-A:22, II(c) and/or RSA 313-A:22, II(i) by allegedly not fully and timely paying the fine assessed pursuant to the Board's 8/23/22 action In re Red Persimmon Nails Case #2022-BAR-RED PERSIMMON-0042.
- (3) Whether the Licensee committed professional misconduct as defined at RSA 313-A:22, II(i) and/or RSA 313-A:22, II(c) by allegedly not fully and timely paying the fine assessed pursuant to the Board's 9/17/19 action.
- (4) Whether the Licensee committed professional misconduct as defined at RSA 313-A:22, II(i) and/or RSA 313-A:22, II(c) by allegedly not fully and timely paying the fine assessed pursuant to the Board's 6/11/19 action.
- (5) If the Board makes a finding of misconduct pursuant to issue 1 2, and/or 3 above, whether the Licensee committed professional misconduct as defined at RSA 313-A:22, II(g).
- (6) If the Board makes a finding of misconduct, what if any discipline the Board should impose upon the Licensee's license pursuant to RSA 313-A:22, III, RSA 310:12, and N.H. Code Admin. Rs. Bar 402.

Shop Owner Huong Khong was not in attendance. Officer Frye determined proper notice was provided to the respondent and the hearing would be held in absentia. Attorney Schuetz presented her case as a offer of proof. The hearing closed at 10:30am. Deliberations were held in non-public session.



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D. Diamond Barbershop Adjudicative - 9:30am 2023-BAR-013

Hearing Officer: Nikolas Frye

Hairon Rodriguez: Shop Owner-*Not in Attendance

Marissa Schuetz: Hearing Counsel

Chief Inspector Sandra Hodgdon: Witness for Prosecution

The hearing commenced at 10:32am. The issues to be considered are as follows:

- (1) Whether the Licensee committed professional misconduct as defined at RSA 313-A:22, II(c), RSA 313-A:22, II(d), and/or RSA 313-A:22, II(i) (see N.H. Code Admin. Rs. Bar 404.09 et seq., 302.05 et seq., and/or 302.07 et seq.) by allegedly operating a shop with one or more of the related health and safety violations, as set out in the inspection report, dated 2/10/23.
- (2) Whether the Licensee committed professional misconduct as defined at RSA 313-A:22, II(c), RSA 313-A:22, II(d), and/or RSA 313-A:22, II(i) (see N.H. Code Admin. Rs. Bar 404.09 et seq., 302.07(g)(6), 302.07(y), RSA 313-A:9, II(b), and/or RSA 313-A:10) by allegedly operating a shop with one or more of the license-related violations as set out in the inspection report, dated 2/10/23.
- (3) If a finding of misconduct is made with respect to issues 1 and/or 2, whether the Licensee committed professional misconduct as defined at RSA 313-A:22, II(g).
- (4) If the Board makes a finding of misconduct, what if any discipline the Board should impose upon the Licensee's license pursuant to RSA 313-A:22, III, RSA 310:12, and N.H. Code Admin. R. Bar 402.

Shop Owner Hairon Rodriguez was not in attendance. Officer Frye determined proper notice was provided to the respondent and the hearing would be held in absentia. Officer Frye approved all submitted exhibits by Hearing Counsel. Chief Inspector Sandra Hodgdon was sworn in for testimony. Attorney Schuetz presented proposed findings and recommended sanctions. The hearing closed at 10:19am.

Deliberations were held in non-public session.



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E. Mr. Garcia Beauty Supply 2023-BAR-032

Hearing Officer: Nikolas Frye
Marissa Schuetz: Hearing Counsel
Baretta Garcia – Shop Owner-*Not in Attendance
Henry Mendez – Shop Manager-*Not in Attendance
Chief Inspector Sandra Hodgdon: Witness for Prosecution

The hearing commenced at 10:52am. The issues to be considered are as follows:

- (1) Whether or not the Licensee violated RSA 313-A:22, II(c), RSA 313-A:22, II(d), and/or RSA 313-A:22, II(i) (see Rules 404.09, 302.05, and/or 302.07) by allegedly operating a shop with one or more of the related health and safety violations, as set out in the inspection report, dated 5/17/2023.
- (2) Whether or not the Licensee violated RSA 313-A:22, II(c) and/or RSA 313-A:22, II(i)(see Rule 404.09, Rule 404.01(c) and (n), Rule 302.07(y), RSA 313-A:17, and/or RSA 313-A:19) by allegedly operating a shop with 1) unlicensed barbers, expired shop license, expired barber license as set out in the inspection report, dated 5/17/2023.
- (3) If a violation is found in relation to issues 1 and/or 2 above, whether or not the Board should adjust the administrative fine amount on account of any aggravating or mitigating factors pursuant to Bar 404.11.
- (4) Whether and to what extent the Respondent should be subject to discipline pursuant to RSA 313-A:22, III, N.H. Code Admin. R. Bar. 402 and/or RSA 310-A:1-m/RSA 310:12.

Shop Owner Baretta Garcia and shop manager Henry Mendez were not in attendance. Officer Frye determined proper notice was provided to the respondents and the hearing would be held in absentia. Chief Inspector Sandra Hodgdon was sworn in for testimony. Attorney Schuetz presented proposed findings and recommended sanctions. The hearing closed at 11:01am. Deliberations were held in non-public session.

IV. APPLICATIONS

None for public session



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V. NEW BUSINESS

A. Micro-Channeling Request

The Board reviewed a request from a licensee regarding micro-channeling device Procell. The Board referred to Bar 302.07(g)(12) with Board Counsel Elizabeth Eaton. The Board voted on a motion by Sarah Partridge and seconded by Donna Woodsom to have Counsel draft a response to the licensee that can be approved by Board Chair Jeanne Chappell outside of a regular scheduled Board meeting.

VI. LAWS & RULES

A. Bar 100 – Adopt

On a motion by Jeanne Chappell and seconded by Sarah Partridge the Board voted to adopt Bar 100 as presented.

Motion to commence non-public session: 11:01am

On the motion of Sarah Partridge, 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.

Motion to keep minutes of non-public session confidential:

Upon the motion of Sarah Partridge, seconded by Jeanne Chappell, 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

Jeanne Chappell made a motion to adjourn at 3:42pm Sarah Partridge seconded, motion passes with a roll call vote.



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