

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

BOARD OF BARBERING, COSMETOLOGY, AND ESTHETICS

**In Re: Checkers Barbershop,
Shop Lic. #5019**

**Jason Madison, Owner
Personal Lic. # 30807**

Docket No.: 22-BAR-0038

**FINAL DECISION AND
ORDER - 2/13/23**

I. ATTENDEES:

Jeanne Chappell, Board Chair
Joshua Craggy, Board Member
Kassie J. Dubois, Board Member
Kimberly A. Hannon, Board Member
Sarah Partridge, Board Member
Christine Horne, Board Administrator
Shana Warriner, Board Administrator
Shane D. Goulet, Esq., OPLC Hearings Officer
John Garrigan, Esq., Hearing Counsel
Sherri Phillips, Esq., Board Counsel

II. CASE SUMMARY/PROCEDURAL HISTORY:

On 10/17/22, the New Hampshire Office of Professional Licensure and Certification (“OPLC”) notified the New Hampshire Board of Barbering, Cosmetology, and Esthetics (“Board”) that Checkers Barbershop (“Licensee”) had failed to pay a fine rendered pursuant to a 04/11/22 Board approved settlement agreement in *In re Checkers Barbershop*. The Board voted to commence this adjudicative proceeding on 10/17/22 pursuant to Paragraph 11 of the 04/11/22 settlement agreement. A final adjudicative hearing was held on 02/13/23. This Final Decision and Order follows.

III. SUMMARY OF THE EVIDENCE:

The Board received the following evidence pursuant to RSA 541-A:33 and Rule 213.03:

a. Exhibits were submitted by Hearing Counsel, numbered as follows:

1. Settlement Agreements documents, dated April 11, 2022 (Bates #HC001-010)
2. Respondent's payment history, dated December 21, 2022 (Bates #HC011)

b. Exhibits were submitted by Licensee, designated as follows:

None.

c. Testimony was received from:

1. Jason Madison, Owner, and Licensee

IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED:

The Licensee appeared for the hearing through its authorized representative/shop owner, Jason Madison. Pursuant to Rule 211.02(a), Hearing Counsel has the burden of proving its case by a preponderance of the evidence. The Presiding Officer admitted Hearing Counsel's (2) Exhibits by agreement of the parties. The Licensee submitted made no submissions. The parties agreed to stipulate that Mr. Jason Madison's father is deceased. Hearing Counsel asked the Board to take administrative notice of its own file relating to the license which evidenced that the Licensee had not paid the \$100.00 required by the 04/11/2022 Settlement Agreement. Hearing Counsel submitted his findings of facts and recommended action. The Licensee testified in response. The credible evidence presented at the hearing allows the Board to find the following facts.

Jason Madison, Owner, and Licensee

Mr. Madison was sworn in under oath and testified. Mr. Madison testified to his state of mind around the time at which he was required to pay the fine. He testified that Hearing Counsels representations were completely understandable as he acknowledged not paying the fine. The Licensee

testified that he had taken over the Checkers Barbershop in November of 2021. He further testified that he was still learning how to properly run the business when his father suddenly passed away. He testified that he thought that he had paid the fine and only discovered that he hadn't upon reviewing notice for this Hearing. He expressed to the board that he intends to pay the fine owed and that he would have paid it on time if not for the personal tragedy that resulted in many difficult months supporting the business and his family after his father's death.

V. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:

After reviewing all the evidence, accounting for the presentation and demeanor of all the witnesses, and drawing all reasonable inferences therefrom the Board finds, by a preponderance of the evidence, that the Licensee committed professional misconduct. The Exhibits and witness testimony adequately support the conclusions that the Licensee did not pay the fine assessed pursuant to the Board's 4/11/22 settlement agreement *In RE Checkers Barbershop*. As part of this decision, the Board makes the following specific findings of fact and conclusions of law:

- A. Pursuant to RSA 313-A:22, II(c), Licensee engaged in professional misconduct by not fully and timely paying the fine assessed pursuant to the Board's 4/11/22 settlement agreement, *In re Checkers Barbershop accepted 4/11/2022*.
- B. Upon finding misconduct, the Board considered mitigating factors represented throughout the Licensee's testimony.
- C. Pursuant to RSA 313-A:22, and upon consideration of the mitigating factors in this case, the Board hereby **REPRIMANDS** Licensee's shop and personal licenses and **REAFFIRMS** the \$100.00 balance owed under terms of the 4/11/22 settlement agreement, *In re Checkers Barbershop*.

D. The one hundred dollar (\$100.00) administrative fine assessed in the 04/11/2022 settlement agreement shall be paid within (30 days) of the below signed date of this final decision and order.

VI. CONCLUSION AND DECISION:

Pursuant to RSA 313-A:22 and Rule 402, the Board hereby **REPRIMANDS** the Licensee, and **REAFFIRMS** the \$ 100.00 balance owed under the 4/11/22 settlement agreement, *In re Checkers Barbershop*.

DATED: 2/22/2023

_____/s/ Shane D. Goulet, Esq._____
Shane D. Goulet, Esq., Hearings Examiner
Authorized Representative of the
Board of Barbering, Cosmetology, and Esthetics-
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