



State of New Hampshire  
Office of Professional Licensure and Certification  
Board of Barbering, Cosmetology, and Esthetics  
Concord, New Hampshire 03301

In the Matter of: Moderno Barbershop ✓  
Shop License No. 3684

Docket No. 22-BAR-004

Carlos Abreu  
Barber License No. 20083

Amount 775

Amaury Mercado  
Barber License No. 27943

Check 196  
entered HK

**SETTLEMENT AGREEMENT**

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of Barbering, Cosmetology, and Esthetics, the New Hampshire Board of Barbering, Cosmetology, and Esthetics (“Board”) and Moderno Barber Shop (“Respondent”), a licensed barber shop currently licensed by the Board, do hereby stipulate and agree to resolve certain allegations of violations of rules and laws regulating the profession now pending before the Board according to the following terms and conditions:

1. The parties stipulate that Board inspectors have jurisdiction to conduct inspections of shops and schools pursuant to NH RSA 313-A: 21 and Administrative Rule Bar 404.01.
2. The parties further stipulate the Board has the authority to issue administrative fines for violations of statutes pursuant to NH RSA 313-A and Administrative Rules Bar 404.04.
3. Pursuant to Bar 217.02, the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
4. On April 13, 2021, a Board inspector conducted an inspection of Moderno Barber Shop. As a result of the inspection the inspector discovered violations of “Apprentice properly supervised” (25 points), multiple “Apprentice properly registered with the board as

- required” (50 points), “Individual does not have a NH License” (500 points), and multiple “No photograph on license” (200 points), for a total of 775 violation points.
5. Subsequent to this inspection, Respondent has since come into compliance with licensing requirements.
  6. Respondent admits to violations contained in the inspection report dated April 13, 2021.
  7. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against his/her license to operate as a barber shop in the State of New Hampshire.
  8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 313-A:22, III.
    - A. Respondent is assessed an **ADMINISTRATIVE FINE** in the amount of \$775.00. Respondent shall pay this fine in full within forty-five (45) days of the effective date of this *Settlement Agreement*, as defined further below, by delivering a money order or bank check, made payable to “Treasurer, State of New Hampshire,” to the Board’s office at 7 Eagle Square, Concord, New Hampshire, 03301.
    - B. Respondent shall bear all costs required by this *Settlement Agreement* and shall be responsible for ensuring all payments are made, but Respondent shall be permitted to share such costs with third parties.
    - C. Subject to continuing compliance with all requirements, Respondent shall be permitted to resume its apprenticeship program.
    - D. The Board may consider Respondent’s compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent’s license.

9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 313-A:22, and a separate and sufficient basis for further disciplinary action by the Board.
10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
13. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
14. Respondent understands that Respondent's action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
15. Respondent has had the opportunity to seek and obtain the advice of an attorney of Respondent's choosing in connection with the decision to enter into this agreement.
16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to, or by,

- the Board surrounding its review of this *Settlement Agreement* have prejudiced Respondent's right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
17. Respondent is not under the influence of any drugs or alcohol at the time of signing this *Settlement Agreement*.
  18. Respondent certifies that he/she has read this document titled *Settlement Agreement*. Respondent understands that he/she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he/she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.
  19. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

[Signatures on next page.]

**FOR RESPONDENT**

Date: 5-10-2022

A. Mercado  
Amaury Mercado  
Respondent

Carlos Abreu  
Carlos Abreu  
Respondent

State of New Hampshire  
County of Merrimack

On this \_\_\_\_\_ day of 5-11-2022, 2022 personally appeared before me  
Amaury Mercado and Carlos Abreu, who subscribe to the following instrument and acknowledge  
the same as his voluntary act and deed.



Maura S...  
Justice of the Peace/Notary Public  
My commission expires:

**FOR THE BOARD**

This proceeding is hereby terminated in accordance with the binding terms and conditions  
set forth above.

Date: 7/18/22

Jessica Kennedy  
(Signature)

Jessica Kennedy  
(Print or Type Name)  
Authorized Representative of the  
New Hampshire Board of Barbering,  
Cosmetology, and Esthetics