

SETTLEMENT AGREEMENT

In re Robert Wilson

STATE OF NEW HAMPSHIRE
ADVISORY BOARD OF BODY ART PRACTITIONERS
CONCORD NH 03301

In the Matter of:
Robert Wilson
License #3456

Docket No. 2021-ENF-0128

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 body art, the Executive Director of the Office of Professional Licensure and Certification (“Executive Director”) and Robert Wilson (“Mr. Wilson” or “Respondent”), a body artist licensed by the Executive Director, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Advisory Board of Body Art Practitioners (“Board”) in accordance with the following terms and conditions:

1. The Office of Professional Licensure and Certification (“OPLC”) has jurisdiction to investigate allegations of unprofessional conduct committed by body artists who are its licensees pursuant to RSA 314-A:2 and Body Board Art Administrative Rule (“Plc”) Plc 402.05. The Executive Director may dispose of any such allegations by settlement and without commencing or completing a disciplinary hearing pursuant to RSA 541-A: 31, V.(a).
2. The Executive Director first granted Respondent a license to practice as a body artist in the state of New Hampshire on August 25, 2020. Respondent holds license number 3456. Respondent’s current license expires on October 31, 2023.

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3. In response to a complaint received on or about January 20, 2021, the OPLC conducted an investigation and obtained information from various sources pertaining to the Respondent's alleged inappropriate touching of a client, while engaged in his profession.

4. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel could prove that Respondent engaged in professional misconduct, in violation of Plc 404.01(a) and 404.01(b)(12) a. and b. and (14) by the following facts:

- a. On or about January 8, 2021, the Respondent committed an act of aggravated felonious sexual assault against a client while tattooing the client in his capacity as a licensee at his place of employment, Mayhem Ink in Nashua NH;
- b. On or about July 20, 2021, the Respondent signed a *Notice of Intent to Enter Plea of Guilty* for charges of aggravated felonious sexual assault where a term of the plea included a permanent ban on licensing as a tattoo artist.
- c. On or about October 7, 2021, the Respondent appeared before the Hillsborough Superior Court Southern District for a plea and sentencing hearing which resulted in a "guilty by Court" disposition for the charge of aggravated felonious sexual assault and a sentence that included abiding by conditions of sentencing addendum.

5. The Executive Director finds that, by engaging in such conduct, Respondent violated Plc 404.01(a) and 404.01(b)(12) a. and b. and (14).

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6. Respondent acknowledges that this conduct constitutes grounds for the Executive Director to impose disciplinary sanctions against Respondent's license to practice as a body artist in the State of New Hampshire pursuant to RSA 314-A:9 and A:10 and Plc 402.07 and Plc 402.08.

7. Pursuant to Plc. 403 and the terms of the *Notice of Intent to Enter Plea of Guilty*, Respondent knowingly

- a. **WAIVES** the right to reapply for licensure pursuant to Plc. 402.07(e), *and*
- b. **WAIVES** the requirement on the Executive Director to make a finding of three offenses for a revocation to be permanent pursuant to Plc 402.07(f).

8. Respondent consents to the Executive Director imposing the following discipline and terms pursuant to Plc 402.07:

- a. The Respondent's license is **PERMANENTLY REVOKED** in the state of New Hampshire, *and*
- b. The Respondent is **BANNED FROM APPLYING** for licensure to practice under RSA 314-A in the state of New Hampshire.

9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct and a separate and sufficient basis for further disciplinary action by the Executive Director.

10. Respondent understands that should the Respondent continue to provide services requiring a New Hampshire body artist license, or to hold himself out as holding a currently valid body artist license in the State of New Hampshire that shall constitute a violation of RSA 314-A:12 and shall be guilty of a misdemeanor.

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11. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Executive Director arising from the facts and circumstances described above and in the complaint. However, the Executive Director may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Executive Director may consider the fact that discipline was imposed by this *Settlement Agreement* as a factor in determining appropriate discipline should any future misconduct be proven against Respondent in the future.

12. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Executive Director as a public document.

13. 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. Respondent further agrees that no coercion or duress from any person has caused her to sign this *Settlement Agreement*.

14. The Executive Director agrees that in return for Respondent executing this *Settlement Agreement*, the Executive Director will not proceed with the formal adjudicatory process based upon the facts described herein.

15. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.

16. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this *Settlement Agreement*.

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17. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.

18. Respondent understands that the Executive Director must review and accept the terms of this *Settlement Agreement*. If the Executive Director rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Executive Director during its review of this *Settlement Agreement* has prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Executive Director.

19. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the right 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, quality 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.

20. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Executive Director.

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FOR RESPONDENT

Dated: 1/31, 2022

R. Wilson
Robert Wilson

On this _____ day of _____, 2021 personally appeared the person who subscribe to the following instrument and acknowledged the same as her/his voluntary act and deed before me.

Justice of the Peace/Notary Public
My commission expires:

FOR THE BOARD

ACCEPTED BY THE ADVISORY BOARD OF BODY ART PRACTITIONERS on this 02 day of 02, 2021 (Effective Date). 2022.

02/02/2022
Date

Nikolas K. Frye, Esq.
Signature
Nikolas K. Frye, Esq., Hearings Examiner OPLC

(Print or Type Name)
Authorized Representative of the
Advisory Board of Body Art Practitioners