

**STATE OF NEW HAMPSHIRE
BOARD OF BARBERING, COSMETOLOGY, AND ESTHETICS
CONCORD, NH 03301**

RECEIVED
JUN 17 2024
OPLC-FINANCE

In the Matter of:
**Absolute Elegance
Shop License #404**

Docket No.: 24-BAR-042

**Owner: Jessica St. Jean (non-licensed)
Manager:
Malazia Marsala Nassiff
License #39585**

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 Absolute Elegance (Owner: Jessica St. Jean, Manager: Malazia Marsala Nassiff, License # 39585), a shop currently licensed by the Board, and Jessica St. Jean non-licensed owner of the shop ("Owner") (together as "Respondents") 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. Pursuant to NH RSA 310:10, NH RSA 313-A:21, and N.H. Code Admin. R Bar ("Bar") 404.01, Board inspectors have jurisdiction to conduct inspections of shops, tanning salons, and schools.
2. Pursuant to NH RSA 310:12, NH RSA 313-A, and Bar 404.04, the Board has the authority to issue administrative fines for violations of statutes.
3. Pursuant to RSA 310:10, VIII. (a), Plc 205.04(a), the Board may, at any time, dispose of such allegations by settlement, and without commencing a disciplinary hearing.

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4. On 06/13/20, the Board granted Shop at 34 Lowell Road, Salem, NH, 03029, shop license #404. Owner is the owner of record of Shop.
5. On 02/16/2024, Board inspector conducted a routine inspection of Respondents which resulted in alleged violations of fewer than 500 points. On 04/18/2024, the Board reviewed the inspection report and voted to initiate a disciplinary adjudicative proceeding in this matter.
6. Respondents stipulate to the following facts:
 - A. At all times relevant, Respondent Owner held an active Shop License and Shop Manager held an active license of the Board.
 - B. On 02/16/2024, Board inspector conducted a routing inspection of Shop.
 - C. As a result of the 02/16/2024 inspection, the inspector found multiple violations totaling 282 points of which:
 - i. One hundred fifty-seven (157) points were related to health and sanitation to include: twelve (12) points for failure to have disinfection containers maintained and covered as required; forty-two (42) points for metal implements not being cleaned and disinfected properly; three (3) points for the wax pot not being covered properly; and one hundred (100) points for Safety Data Sheets ("SDS") sheets being incomplete.
 - ii. One hundred and twenty-five (125) points were related to licenses and certifications to include: fifty (50) points for operating a business without the appropriate license; fifty (50) points for Shop Manager Malazia Marsala Nassiff failing to have her photo affixed to her license as required; and twenty-five (25) points for failure to display inspection

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report as required;

7. The Board finds that Respondent committed the acts described above and concludes that, by engaging in such conduct, Respondent violated NH RSA 313-A:22, II(i) (*see* RSA 313-A:17, NH Admin. Rule Bar 302.05(m), 302.07(c)(2), 302.07(c)(7), 404.01(d)(11), 501.01(a), 501.02(a).
8. Respondents acknowledge that the allegations and facts set forth above constitutes grounds for the Board to impose disciplinary sanctions against their license to operate as a shop in the State of New Hampshire.
9. WHEREFORE, Respondents consent to the Board imposing the following discipline, pursuant to RSA 310:12.
 - A. Respondents are **REPRIMANDED**.
 - B. Respondents are assessed an **ADMINISTRATIVE FINE** in the amount of fifty dollars (\$50.00) dollars. Respondent shall pay the **\$50.00** administrative fine in full within forty-five (45) days of the effective date of this *Settlement Agreement* 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. **No separate invoice shall issue.** Payment shall include a copy of this Settlement Agreement or a note including the docket number and indicating the payment is made in compliance with a settlement agreement with the Board.

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10. Respondents, specifically the shop owner, shall bear all costs required by this *Settlement Agreement* and shall be responsible for ensuring all payments are made, but Respondents shall be permitted to share such costs with third parties.
11. Respondents' 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.
12. The Board may consider Respondents' compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondents' licenses.
13. The Board agrees that in return for Respondents executing this *Settlement Agreement* the Board will not proceed with the formal adjudicatory process based upon the facts described herein. However, the Board may consider this misconduct as evidence of a pattern of conduct if similar misconduct is proven against Respondent in the future. Additionally, 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 Respondents in the future.
14. This *Settlement Agreement* shall become a permanent part of Respondents' file, which is maintained by the Board as a public document.
15. Respondents voluntarily enter and sign this *Settlement Agreement* and states that no promises or representations have been made other than those terms and conditions expressly stated herein.
16. Respondents understand that Respondents' action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration, judicial review, or appeal.
17. Respondent agrees to support the adoption of this agreement by the Board.

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18. Respondent understands that this agreement is an adverse action against Respondent's license and will be reported to all relevant jurisdictions.
19. Respondents have had the opportunity to seek and obtain the advice of an attorney of Respondents' choosing in connection with the decision to enter into this *Settlement Agreement*.
20. Respondents are not under the influence of any drugs or alcohol and are otherwise of sound mind at the time of signing this *Settlement Agreement*.
21. Respondents 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. Respondents specifically waives any claims that any disclosures made to, or by, the Board surrounding its review of this *Settlement Agreement* have prejudiced Respondents' right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
22. Respondents certify that he/she has read this document titled *Settlement Agreement*. Respondents 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/her own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondents fully understand the nature, qualities and dimensions of these rights. Respondents understand that by signing this *Settlement Agreement*, he/she waives these rights as they pertain to the misconduct described herein.

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23. 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 and shall become final after 30 days pursuant to Plc 205.04.

[Signatures on next page.]

FOR RESPONDENT

Date: 6/17/24

Jessica St. Jean
Absolute Elegance (Shop License #404)
Jessica St. Jean, unlicensed Owner
Respondent

FOR THE BOARD/*

Accepted by the Board of Barbering Cosmetology and Esthetics on this 15 day of July, 2024 ("Effective Date").

Date: 7.15.24

Jeanne Chappell
(Signature)

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

/*Board members recused: