STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: Dale D. Burke, H.C. Petition Nos. 2009-20091412
2008-20081109

REINSTATEMENT CONSENT ORDER

WHEREAS, Dale D. Burke of Naugatuck, Connecticut (hereinafter "respondent") has been issued license number 049408 to practice as a hairdresser by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 387 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent's license expired on October 31, 2006, and respondent has now applied to have said license reinstated by the Department pursuant to Chapter 368a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits as follows:

1. Respondent's license to practice as a hairdresser and cosmetician expired on October 31, 2006. However, respondent continued to practice without a valid license until present. Respondent also permitted unlicensed personnel to work at his salon, Better Cuts Barber Salon in Hartford, Connecticut.
2. That the conduct described above constitutes grounds for denial of respondent's application for reinstatement pursuant to §19a-14(a)(6) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 20-263 of the General Statutes of Connecticut, as amended, respondent hereby stipulates and agrees as follows:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license to practice as a hairdresser and cosmetician shall be reinstated when he satisfies the requirements for reinstatement of its permit, as set forth in §§ 19a-14-1 through

19a-14-5, inclusive, of the Regulations of Connecticut State Agencies, and this Reinstatement Consent Order is executed by all parties.

3. Respondent shall pay a civil penalty of six-hundred dollars ($600.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check. Said civil penalty shall be payable at the time respondent submits this executed Reinstatement Consent Order to the Department.

4. Immediately upon issuance, respondent's license shall be reprimanded.

5. Respondent shall cease and desist aiding and abetting any unlicensed practice of hairdressing, cosmetology and/or barbering.

6. Respondent shall comply with all federal and state statutes and regulations applicable to his license.

7. Respondent shall notify the Department of any change in his business address within fifteen (15) days of such change.

8. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.

9. Respondent understands this Reinstatement Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians in which (1) his compliance with this Reinstatement Consent Order is at issue, or (2) his compliance with §20-263 of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Reinstatement Consent Order, except where discipline solely consists of a civil penalty, shall be reported to the National Practitioner Data Bank.

10. This Reinstatement Consent Order and the terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Reinstatement Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the Connecticut General Statutes provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.

11. This Reinstatement Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

12. This Reinstatement Consent Order is effective when accepted and approved by a duly appointed agent of the Department.

13. Respondent has the right to consult with an attorney prior to signing this document.

14. This Reinstatement Consent Order is a matter of public record.

15. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau. The purpose of this Reinstatement Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.

16. This Reinstatement Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this Reinstatement Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Dale D. Burke, declare the execution of this Reinstatement Consent Order to be my free act and deed.

Dale D. Burke

Subscribed and sworn to before me this 14 day of 12 2009.

My Commission Exp 2/28/2011

Notary Public or person authorized by law to administer an oath or affirmation

The above Reinstatement Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 16th day of December 2009, it hereby ordered and accepted.

Jennifer L. Filippone, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Systems Branch

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