

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION DIVISION OF LICENSING AND BOARD ADMINISTRATION

Board of Barbering, Cosmetology and Esthetics

7 Eagle Square, Concord, NH 03301-2412

Phone: 603-271-2152

LINDSEY B. COURNEY
Executive Director

JOSEPH G. SHOLMAKER
Director

March 24th, 2022

Certified and Regular Mail

Purelux Nails
Dam Pham
1500 S Willow St
Manchester, NH 03103

Dear Dam Pham:

On February 28th, 2022, the New Hampshire Board of Barbering, Cosmetology, and Esthetics ("Board") reviewed an inspection report issued to you and/or your business dated January 10th 2022. The inspection report reflects 856 points assessed during this inspection. In accordance with RSA 313-A and administrative rule Bar 404 the Board shall assess fines based on the violations a licensee has accumulated during the inspection.

The Board has determined, in accordance with RSA 313-A and Bar 400, the total number of points assessed during the January 10th 2022, inspection totals 856 points. The Board has further assessed an administrative fine in the amount of \$856.00.

You have three options upon receipt of this notice:

- 1) Pay the fine immediately, payable to "Treasurer, State of NH" no later than within 20 days of receipt of this letter;
- 2) Request, in writing, a pre-hearing conference in accordance with Bar 404.06;
- 3) Request, in writing, a hearing in accordance with Bar 404.07. The Board will thereafter schedule a hearing on the matter.

If you: 1) Pay the fine immediately, payable to "Treasurer, State of NH" no later than within 20 days of receipt of this letter;

Also, sign and mail in attached settlement agreement with payment.

If you fail to pay the assessed fine within 20 days of the date you signed for the notice and fail to request a hearing, the proposed fine will be final.

Sincerely,



Jessica Kennedy
Board Administrator

STATE OF NEW HAMPSHIRE

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

BOARD OF BARBERING, COSMETOLOGY, AND ESTHETICS

SETTLEMENT AGREEMENT

In the Matter of:

Case #2022-BAR-PURELUXE-0041

**PURELUXE NAILS
Shop License# 3914**

**DAN PHAM
License #14078**

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 Board of Barbering, Cosmetology, and Esthetics ("the Board") and Purelux Nails ("Respondent"), a licensed shop currently licensed in the State of New Hampshire, agree to resolve certain allegations of violations regulating the profession now pending before the Board in accordance with 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.is
2. The parties further stipulate the Board has the authority to issue administrative fines for violations of statutes pursuant to NH RSA Chapter 313-A, and administrative rules PART Bar 404.

3. On January 10th 2022, a Board inspector conducted an inspection of Pureluxe Nails. As a result of the inspection, the Board has issued an administrative fine in the amount of \$856.00 for floors walls woodwork and furniture cleaned as required (**6 points**), Whirlpool foot spa or spa cleaned and disinfected after each use (**500 points**), disinfect table (**250 points**), safety data sheets SDS (**100 points**). Respondent admits to violations contained in the inspection report dated January 10th, 2022 and agreed to pay an administrative fine within 20 days of execution of this agreement.
4. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct and shall serve as a separate and sufficient basis for further disciplinary action by the Board.
5. Except as provided herein, this Settlement Agreement shall bar the commencement of further disciplinary action by the Board based upon the violations described above. However, the Board may consider the violations as evidence of a pattern of conduct in the event that similar violations are proven against Respondent in the future.
6. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document.
7. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to Respondent other than those terms and conditions expressly stated herein.

8. 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.
9. 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.
10. Respondent has had the opportunity to seek and obtain the advice of an attorney of Respondent's choosing in connection with Respondent's decision to enter into this *Settlement Agreement*.
11. 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 the Board during its review of this *Settlement Agreement* has prejudiced Respondent's right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
12. Respondent certifies that Respondent has read this document titled *Settlement Agreement*. Respondent understands that Respondent has the right to a formal adjudicatory hearing concerning this matter and that at said hearing Respondent would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on Respondent's 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*, Respondent waives these rights as they pertain to the violations described herein. 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.

RECEIVED

APR 21 2022

OPLC-FINANCE

Amount \$56,00

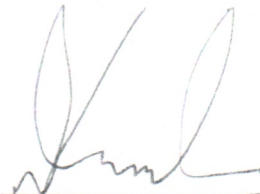
Check 1030

entered 4/21/2022
+JK

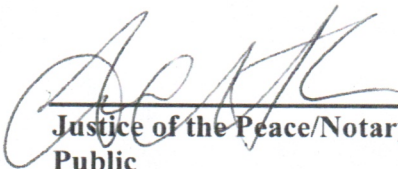
FOR RESPONDENT

I, **Dam Pham** have reviewed the foregoing Settlement Agreement settling violations pending against me and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this Settlement Agreement. Further, **Dam Pham** knowingly and freely waives the right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

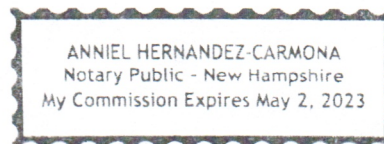
Dated: 4/20
3/31, 2022


Dan Pham
Respondent

On this 20th day of April A.D. 2022 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: May 2nd, 2023



FOR THE BOARD

Dated: 5/16/22 —

Jessica Kennedy

Jessica Kennedy
Board Administrator
Board of Barbering,
Cosmetology & Esthetics
New Hampshire Office of
Professional Licensure & Certification
7 Eagle Square
Concord, NH 0330