

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES 1/
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

Thomas Marino,
Hairdresser and Cosmetician
License No. 003058
197 Batterson Drive
New Britain, CT 06053

Petition No. 940107-20-001

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND:

The Department of Public Health and Addiction Services ("Department") presented the Connecticut Examining Board for Barbers, Hairdressers, and Cosmeticians ("Board") with a Statement of Charges brought against Thomas Marino, hairdresser and cosmetician ("Respondent") dated October 3, 1994.

(Department Exhibit 2). The Statement of Charges alleged in one count that the Respondent engaged in conduct in violation of Connecticut General Statutes §20-263 inasmuch as he was convicted of conspiracy to submit false statements on applications for federally guaranteed student loans for hairdressing students. (Department Exhibit 2).

Prior to the initiation of the instant charges, the Department gave the Respondent the opportunity to attend a compliance conference scheduled on June 15, 1994 to show compliance with

1/ Previously, this agency was known as the Department of Health Services. Effective July 1, 1993, the Department of Health Services merged with the Connecticut Alcohol and Drug Abuse Commission to form the new Department of Public Health and Addiction Services. Public Act No. 93-381.

all lawful requirements for the retention of his license. (Department Exhibit 1). The Respondent attended the compliance conference without counsel.

The Department served the Notice of Hearing and Statement of Charges on the Respondent by certified mail, return receipt requested. (Department Exhibit 2). The Respondent did not file a written Answer or Response to the Statement of Charges.

A hearing was scheduled and held on December 5, 1994. The Respondent appeared and represented himself. Attorney Judith Lederer represented the Department. Both the Department and the Respondent presented evidence and were given an opportunity to cross-examine witnesses.

The Board conducted the hearing in accordance with Connecticut General Statutes Chapter 54 and the Regulations of Connecticut State Agencies §19-2a-1, et. seq. All Board members involved in this decision attest that they have either heard the entire case or reviewed the record in its entirety. This decision is based entirely on the record, the statutes, and the specialized knowledge of the Board.

FINDINGS OF FACT:

1. The Respondent is, and has been at all times referenced in the Statement of Charges, the holder of Connecticut

hairdresser license number 003058. (Department Exhibits 2 and 3.

With Regard to the First Count:

2. On or about December 17, 1993, the Respondent was convicted of conspiracy inasmuch as he submitted false statements on applications for federally guaranteed student loans for hairdressing students. (Department Exhibits 2 and 5; Transcript 12/5/94 p. 11).
3. By Order of the United States District Court for the District of Connecticut dated December 10, 1993, the Respondent was placed on probation for a term of three (3) years. (Department Exhibit 5).
4. The Respondent admitted that he did falsify records. (Transcript 12/5/94 pp. 11-12).
5. The Board finds that the Respondent engaged in conspiracy by submitting false statements on applications for federally guaranteed student loans for hairdressing students.

DISCUSSION AND CONCLUSIONS OF LAW:

The Department alleged that the Respondent violated Connecticut

General Statutes §20-263. In pertinent part, this statute provides that the Board may take any of the actions set forth in Connecticut General Statutes §19a-17 for illegal conduct in the course of professional activities.

The Board finds that the Department sustained its burden of proof with regard to all elements of the First Count. While a licensed hairdresser, the Respondent was convicted of conspiracy to submit false statements on applications for federally guaranteed student loans for hairdressing students. This behavior constitutes illegal conduct in the course of professional activities and violates Connecticut General Statutes §20-263.

ORDER:

Pursuant to the authority vested in it by Connecticut General Statutes §19a-17 and §20-263, the Board orders the following in this case against Thomas Marino, Petition Number 940107-20-001, License Number 003058:

1. The Board places the Respondent on probation for the remainder of the three (3) year probationary term imposed by the United States District Court for the District of Connecticut on December 10, 1993. Such probationary term shall run concurrently.

2. If at any time the Respondent is involved as an owner, operator or employee of a school, the manager will submit quarterly reports to the Department of Public Health and Addiction Services, 150 Washington Street, Hartford, CT 06106. The report shall indicate whether the Respondent has been involved in student funding. If the Respondent has been involved in student funding, the report shall state whether the Respondent has engaged in any financial malfeasance including, but not limited to, conspiracy to submit false statements on applications for federally guaranteed student loans for hairdressing students.
3. Upon securing employment, the employer shall be provided with a copy of this Memorandum of Decision by the Respondent during the probationary period. Employer shall notify the Department of receipt of Memorandum of Decision within thirty (30) days of employment.
4. This Order becomes effective forty-five (45) days after the signature of the Board Chairperson.

Connecticut Examining Board for
Barbers, Hairdressers and
Cosmeticians

6/12/95
Date

Susan Rood
by: Susan Rood,
Chairperson, Pro Tempore

0367Q



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

January 2, 1997

Mr. Thomas Marino *H/c*
197 Batterson Drive
New Britain, Connecticut 06053

Re: Memorandum of Decision
Petition No. 940107-020-001
License No. 003058



Dear Mr. Marino:

Please accept this letter as notice that you have completed the terms of your license probation, effective December 10, 1996.

Notice shall be sent to our License and Registration section to remove any restrictions from your license related to this Memorandum of Decision.

Very truly yours,

Bonnie Pinkerton
Nurse Consultant
Legal Office

cc: Deb Tomassone



Phone:

Telephone Device for the Deaf (860) 509-7191

410 Capitol Avenue - MS # _____

P.O. Box 340308 Hartford, CT 06134

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