



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING OFFICE

November 2, 2009

Alex Hechavarria  
4 Lisbon Street, Apt. 2S  
Hartford, CT 06134

Certified Mail RRR #91-7108-2133-3932-0692-2638  
and First Class Mail

Matthew Antonetti, Principal Attorney  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
PO Box 340380  
Hartford, CT 06134-0308

Inter-Departmental Mail

**RE: Alex Hechavarria - Petition No. 2007-620-020-018**

Dear Mr. Hechavarria and Attorney Antonetti:

Enclosed please find a copy a Memorandum of Decision issued by the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians in the above-referenced matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Kardys".

Jeffrey A. Kardys  
Administrative Hearings Specialist/Board Liaison  
Public Health Hearing Office

c: Catherine Kennelly, Chief Administrative Officer, Department of Public Health  
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations  
Kerry Colson, Assistant Attorney General  
Joelle Newton, Staff Attorney, Department of Public Health

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**STATE OF CONNECTICUT  
CONNECTICUT EXAMINING BOARD FOR BARBERS,  
HAIRDRESSERS AND COSMETICIANS**

Alex Hechavarria

Petition No. 2007-0620-020-018

**MEMORANDUM OF DECISION**

*Procedural Background*

The Department of Public Health (“the Department”) presented the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians (“the Board”) with a Statement of Charges (“the Charges”) brought against the Connecticut hairdressing license of Alex Hechavarria (“respondent”) dated July 3, 2008. Bd Exh. 1.

The Charges and Notice of Hearing were sent to respondent by certified mail, return receipt requested, and first class mail to 47 Sumner Street, Unit 504, Hartford, Connecticut. The mailings were returned by the United States Postal Service as “return to sender – attempted not known - unable to forward.” Bd Exh. 2.

The Board held an Administrative Hearing on August 25, 2008. Respondent neither appeared nor was represented. Attorney Joelle Newton represented the Department. Tr., 8/25/08, p. 3.

During the hearing, the Department orally moved to deem the allegations admitted since respondent did not file an Answer. The Board granted the motion. Tr., 8/25/08, p. 4.

On January 12, 2009, the Board on its own motion reopened the hearing, vacated its previous findings and scheduled a hearing for April 27, 2009. Respondent neither appeared nor was represented at the hearing (Bd. Exhs. 3–6; Tr., 4/27/09), and the hearing was continued to allow for additional attempts to provide notice to respondent.

A Notice of Reopened Hearing, dated April 27, 2009, scheduling a hearing for August 31, 2009, was delivered to respondent by certified mail on May 6, 2009. Bd Exh. 7. Respondent neither appeared nor was represented at the hearing on August 31, 2009. Attorney Joelle Newton represented the Department. Tr., 8/31/09, p. 3.

The Board conducted the hearing in accordance with Connecticut General Statutes (“the Statutes”), Chapter 54, the Uniform Administrative Procedure Act, and § 19a-9-1 *et seq.* of the Regulations of Connecticut State Agencies (“the Regulations”). All Board members involved in this decision attest that they have heard the case or read the record in

its entirety. This decision is based entirely on the record. To the extent that the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc. v. S & H. Computer Systems, Inc.*, 605 F. Supp. 816 (M.D. Tenn 1985).

During the hearing, the Department orally moved to deem the allegations admitted because of respondent's failure to file an Answer. The Board granted the motion. (Tr., 8/31/09, pp. 2-4.)

#### ***Allegations***

1. Respondent is, and has been at all times referenced in the Charges, the holder of Connecticut hairdresser and cosmetician license number 052657.
2. On March 23, 2007, respondent entered into a Reinstatement Consent Order ("the Order") with the Department.
3. The Order placed respondent's license on probation for one year and required him to engage in therapy and to submit quarterly employment reports to the Department.
4. To date, respondent has failed to comply with the terms of the Order.
5. The above described facts constitute grounds for disciplinary action pursuant to §§ 20- 263 of the Statutes including, but not limited to § 20- 263(5) of the Statutes.

#### ***Findings of Fact***

1. Respondent was provided with notice of the hearing in this matter. Board Exh. 7.
2. Respondent did not file an Answer to the allegations contained in the Charges.
3. The factual allegations contained in paragraphs one through four of the Charges are deemed admitted and true. Tr., 8/31/09, pp. 2-4.

#### ***Discussion and Conclusions of Law***

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Goldstar Medical Services, Inc., et al. v. Department of Social Services*, 288 Conn. 790 (2008); *Steadman v. Securities and Exchange Commission*, 450 U.S. 91, 101 S.Ct. 999, 67 L. Ed. 2d 69, *reh'g denied*, 451 U.S. 933, 101 S. Ct. 2008, 68 L. Ed. 2d 318 (1981); *Swiller v. Commissioner of Public Health*, Superior Court, judicial district of Hartford-New Britain at Hartford, Docket No. 705601 (October 10, 1995, *Hodgson, J.*).

Since respondent did not file an Answer, the factual allegations in paragraphs one through four of the Charges were deemed admitted. Regs., Conn. Stat. Agencies § 19a-9-20. Thus, the evidence establishes that respondent did not comply with the probationary terms of the Reinstatement Consent Order in that he failed to engage in therapy and to submit quarterly employment reports to the Department.

Conn. Gen. Stat. § 20-263 provides that: "The board may suspend the license of any registered hairdresser and cosmetician, and may revoke the hairdresser and cosmetician license of any person convicted of violating any provision of this chapter or any regulation adopted under this chapter or take any actions set forth in section 19a-17 for any of the following reasons: . . . (5) illegal, incompetent or negligent conduct in the course of professional activities." The Board concludes that the respondent's failure to comply with the Reinstatement Consent Order constitutes illegal conduct in the course of professional activities in violation of Conn. Gen. Stat. § 20-263(5).

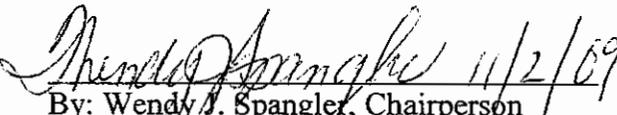
Accordingly, the Board concludes that there is sufficient basis upon which to issue the following order.

***Order***

Pursuant to the authority vested in it by §§ 19a-17 and 20-263 of the Statutes, the Board orders that respondent's license number 052657 to practice as a hairdresser and cosmetician in the State of Connecticut is hereby revoked.

Connecticut Examining Board for Barbers,  
Hairdressers and Cosmeticians

\_\_\_\_\_  
Date

  
By: Wendy J. Spangler, Chairperson  
Connecticut Examining Board for Barbers,  
Hairdressers and Cosmeticians

**CERTIFICATION**

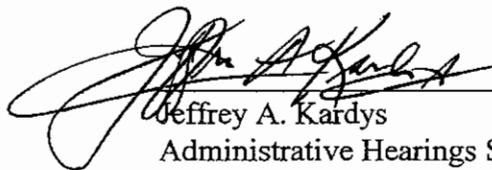
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 2nd day of November 2009, by certified mail, return receipt requested, and first class mail to:

Alex Hechavarria  
4 Lisbon Street, Apt. 2S  
Hartford, CT 06134

Certified Mail RRR #91-7108-2133-3932-0692-2638

and by Inter-Departmental Mail to:

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