1984 0515 025 001

Certified No.

STATE OF CONNECTICUT

BOARD OF EXAMINERS FOR BARBERS,
HAIRDRESSERS & COSMETOLOGISTS

IN RE:

Frank DiLeo
License No. 623
164 Meadow St.
Naugatuck, Connecticut 06770

MEMORANDUM OF DECISION

On March 4, 1985, the Board of Examiners For Barbers, Hairdressers and Cosmetologists (hereinafter Board) was presented by the Department of Health Services with a Notice of Hearing dated February 4, 1985 and a Statement of Charges dated January 29, 1985, showing service properly made on Frank DiLeo, Barber (hereinafter Respondent).

The Statement of Charges alleged violations of certain provisions of Chapter 386, Connecticut General Statutes. The Notice of Hearing provided that the hearing would take place on March 4, 1985 at 9:30 A.M., at the Department of Health Services, 150 Washington Street, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she has reviewed the record and that this decision is based entirely on that record.

FINDINGS

1. Pursuant to Connecticut General Statutes, Section 4-182(c), the Respondent was provided a full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of his license.

2. Frank DiLeo, d.o.b. 3/20/52 the Respondent, was at all pertinent times licensed as a Barber under Connecticut License #623, owning and operating DiLeo's Hair Studio at premises known as 164 Meadow Street, Naugatuck, Connecticut.

3. On January 15, 1982 at approximately 8:45 A.M. the Respondent was present in his place of business at the above address and under the influence of the habit-forming drug, phenocyclidine, also known as "PCP" and/or "Angeldust."

4. At this time and at these premises, a female newly employed by Northeast Utilities to read electrical meters asked the Respondent who was unknown to her the exact location of the meter located on these premises.

5. The Respondent led her to an area at the back of sa premises, where he then and there sexually assaulted and abuse her by grabbing her and pulling her to the floor; then he forcibly unzipped her coveralls to her

groin area, ran his hands over her body and exposed himself.

6. The meter reader was able to make Respondent discontinue the assault only by spraying him with a fire extinguisher which she was able to reach while resisting the Respondent and by telling the Respondent that she would not say anything to anyone.

7. Respondent then stated to her that he had acted like he did because he had taken an overdose of drugs.

8. On January 15, 1982 at 10:00 A.M. the meter reader reported the assault to the Naugatuck Policy Department, which then investigated the incident and arrested the Respondent charging him with the Sexual Assault in the Third Degree in violation of Section 53a-72a of the General Statutes.

9. On August 10, 1982, after a voluntary plea of nolo contendere to the charge, the Court imposed a sentence of imprisonment for two years with execution suspended and probation imposed for three years during which probation period the Respondent was ordered to continue a therapy program for drug and alcohol abuse as determined by the Probation Officer.

10. The activities referenced in Paragraphs three to eight (3-8) were uncovered by Detective Henry Kuczenski of the

Naugatuck Police Department during an investigation conducted in January 1982.

11. The activities referenced in paragraphs three to nine were uncovered by investigator Robert Roy, Division of Medical Quality Assorance, Department of Health Services, during an investigation conducted during 1984.

DISCUSSION

12. The First and Third counts of the Complaint allege that the Respondent violated provisions of Section 20-238a of the General Statutes on January 15, 1982 by attempting to sexually assault a female, and pleading guilty to a criminal charge of Third Degree Sexual Assault on August 10, 1982.

In pertinent part Section 20-238a of the General Statutes provides that:

> The Board may suspend or revoke any license or certificate granted by it or take any of the actions set forth in Section 19a-17 if the holder of a license is incompetent, is habitually intoxicated or habitually addicted to the use of morphine, cocaine, or other habit-forming drugs, or is a violator of any provision of this chapter or of the regulations adopted pursuant thereto or is suffering from physical or mental illness or emotional disorder or loss of motor skill including but not limited to, deterioration through the aging process.

Chapter 386 including § 20-238a does not contain any provision applicable to sexual assaults. Also there are no regulations applicable to assaults by licensees, thus the Board does not find that Respondent is in violation of § 20-238a of the General Statutes based on a claim of sexual assault as alleged in Counts 1 and 3 of the Complaint, and these counts are hereby dismissed.

With respect to Count Two of the Complaint, the Respondent testified that, at the time of the January 15, 1982 incident involving the female meter reader, he had a drug habit and had taken an overdose of the drug PCP. Respondent, through his counsel, also admitted that at the time he was habitually intoxicated. The Board determines therefore that on January 15, 1982 the Respondent was habitually addicted to habit-forming drugs in violation of Section 20-238a of the General Statutes as alleged in Count Two of the Complaint. The Board further determines that the Respondent has since been hospitalized for a substantial period to cure his drug addiction and has actively engaged in a program of rehabilitation and has contributed to reducing the problems of alcohol and drug abuse among members of his profession and the public at large.

ORDER

13. It is the unanimous decision of the Board of Examiners for Barbers, Hairdressers & Cosmetologists that:

a. The license of the Respondent be suspended for six (6) months as of July 15, 1985 with execution suspended.

b. The license of the Respondent be placed on probation for a period of three (3) years as of July 15, 1985 subject to the following condition:

(1) The respondent must provide the Board and the Medical Quality Assurance Section of the Department of Health with supportive documentation that he has remained drug and alcohol free during the period of probation, and is physically and psychologically fit to continue to practice barbering. This documentation must include, as a minimum, reports of bi-annual physical examinations by a physician, monthly laboratory screening for chemicals, and monthly consultations with a licensed therapist.

c. The Board also imposes on the Respondent a fine of three hundred ($300) dollars.

The said Board herewith advises the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 7 day of June 1985.

CONNECTICUT BARBERS, HAIRDRESSERS
& COSMETOLOGISTS BOARD

By: Ralph Cobuzzi
RALPH COBUZZI
Chairman