



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

## PUBLIC HEALTH HEARING OFFICE

September 10, 2010

Thomas Metzinger  
8 Homestead Avenue  
Bridgeport CT 06605

CMRRR# 91 7108 2133 3932 0601 6023  
& First Class Mail

and

402 Lemon Grove Avenue  
West Melbourne FL 32904

CMRRR# 91 7108 2133 3932 0601 6016  
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Matthew Antonetti, Principal Attorney  
Legal Office - MS#12LEG  
Department of Public Health  
410 Capitol Avenue  
P. O. Box 340308  
Hartford CT 06134-0308

Via E-Mail: [matthew.antonetti@ct.gov](mailto:matthew.antonetti@ct.gov)

**RE: Thomas Metzinger, MT**

**Petition No. 2000-2009254**

Dear Mr. Metzinger and Attorney Antonetti:

Enclosed please find a copy of the Final Memoranda of Decision rendered by Hearing Officer Stacy M. Owens in the above-referenced case.

Respectfully,

Janice E. Wojick, Hearings Liaison  
Public Health Hearing Office, MS#13PHO  
Tel. (860) 509-7648 FAX (860) 509-7553

- c: J. Robert Galvin, M.D., M.P.H., M.B.A., Commissioner
- Michael J. Purcaro, Chief of Administration
- Lynn Rioux, Paralegal Specialist, Office of the Attorney General
- Wendy H. Furniss, Branch Chief, Healthcare Systems
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**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
PUBLIC HEALTH HEARING OFFICE**

Thomas Metzinger, MT

Petition No.: 2009-2009254

**MEMORANDUM OF DECISION**

*Procedural Background*

On May 28, 2010, the Department of Public Health ("the Department") issued a Statement of Charges ("the Charges") against Thomas Metzinger, massage therapist ("respondent"). The Charges allege grounds for disciplinary action pursuant to *Conn. Gen. Stat.* ("the Statutes") §20-206c. Rec. Exh. 1. On June 15, 2010, the Department issued a Notice of Hearing ("Notice"). The Notice scheduled a hearing for August 4, 2010, and appointed this Hearing Officer to rule on all motions, make findings of fact and conclusions of law, and issue an Order. Rec. Exh. 1.

Respondent did not file an Answer to the Charges.

The hearing was held in accordance with Chapter 54 of the Statutes and §19a-9-1, *et seq.* of the Regulation of Connecticut State Agencies ("the Regulations"). Respondent was not present, nor was he represented by an attorney; Attorney Linda Fazzina represented the Department. Both parties were given the opportunity to present evidence and argument on all issues and to conduct cross-examination.

The Department filed a Motion to Deem Allegations Admitted. The Motion was granted.

This Memorandum of Decision is based entirely on the record and sets forth this Hearing Officer's findings of fact, conclusions of law, and order.

*Allegations*

1. In paragraph 1 of the Charges, the Department alleges that respondent is, and has been at all times referenced in the Charges, the holder of Connecticut massage therapy license number 004355. Said licenses expired on or about December 31, 2009, due to nonrenewal.
2. In paragraph 2 of the Charges, the Department alleges that in or about November and December 2007, respondent provided massage therapy services to N.C., a female patient of Bridgeport Chiropractic Group. In or about December 2007, respondent formed an inappropriate personal and/or sexual relationship with said female patient.
3. In paragraph 3 of the Charges, the Department alleges the above-described facts constitute grounds for disciplinary action pursuant to §20-206c of the Statutes.

***Findings of Fact***

1. Respondent is, and has been at all times referenced in the Charges, the holder of Connecticut massage therapist license number 004355. Rec. Exh. 3.
2. The Department provided respondent adequate, reasonable, and actual notice of the hearing in this matter. Rec. Exh. 1, 3.
3. Respondent did not file an Answer to the allegations contained in the Charges. Tr. 8/4/10.
4. All of the factual allegations contained in the Charges are deemed admitted and true. Rec. Exh. 3; Tr. 8/4/10.

***Conclusions of Law and Discussion***

Section 20-206c of the Connecticut General Statutes provides in pertinent part:

The department may take any disciplinary action set forth in section 19a-17 if a person issued a license pursuant to section 20-206b fails to conform to the accepted standards of the massage therapy profession, including, but not limited to, . . . negligent, incompetent or wrongful conduct in professional activities. . . .

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); *Swiller v. Commissioner of Public Health*, No. CV 95-0705601 Sup. Court, J.D. Hartford/New Britain at Hartford, October 10, 1995; *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, *reh'g den.*, 451 U.S. 933 (1981).

In accordance with §19a-9-20 of the Regulations, a hearing shall proceed, “at the time and place specified in the notice of hearing, notwithstanding any failure of the respondent to file an answer within the time provided. If no answer has been timely filed, the allegations shall be deemed admitted.” In this case, respondent failed to file an Answer to the Charges and failed to appear for the hearing on August 4, 2010, to contest the allegations. As such, the allegations were deemed admitted, thereby establishing that respondent’s license is subject to disciplinary action pursuant to §§19a-17 and 20-206c of the Statutes.

**Order**

Based on the record in this case, the above findings of fact and conclusions of law, and pursuant to §§19a-17 and 20-206c of the Statutes, the following is ordered in this case against Thomas Metzinger, MT, regarding Connecticut massage therapist number 004355:

1. Respondent's license number 004355 to practice as a massage therapist in the State of Connecticut is hereby revoked.
2. This Order shall become effective upon signature.

  
Stacy M. Owens, Esq., Hearing Officer

9/10/10  
Date

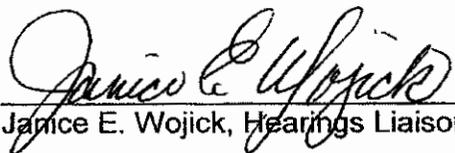
**CERTIFICATION**

I hereby certify that, pursuant to Connecticut General Statutes Section 4-180(c), a copy of the foregoing final Memorandum of Decision was sent this 10<sup>th</sup> day of September 2010, certified mail return receipt requested and first class mail to:

Thomas Metzinger  
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Bridgeport CT 06605  
*and*  
402 Lemon Grove Avenue  
West Melbourne, FL 32904

*and by E- Mail to:*

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