



STATE OF CONNECTICUT  
DEPARTMENT OF HEALTH SERVICES

COMMISSIONER

HAND DELIVERED

June 11, 1987

David Pavis, Chief  
Public Health Hearing Officer  
Department of Health Services  
150 Washington Street  
Hartford, CT 06106

Dear Attorney Pavis:

RE: Mark Romanuk, S.S.I.  
License No. C-98

Please be advised that I am adopting this proposed decision dated March 23, 1987, as attached, as my final decision.

Sincerely,

Frederick G. Adams, D.D.S., M.P.H.  
Commissioner

FGA:mlp  
Enc.

RECEIVED  
DEPARTMENT OF HEALTH SERVICES

JUN 11 1987  
HEARING & INVESTIGATIONS  
DIVISION OF MEDICAL  
QUALITY ASSURANCE

DECISION OF HEARING EXAMINER  
IN RE COMPLAINT OF DEPARTMENT OF HEALTH SERVICES  
AGAINST MARK ROMANUK

Petition # 811201-~~3~~-004

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A hearing on the foregoing complaint was held by the undersigned on July 24, 1985. Assistant Attorney General Ellen Shanley represented the Department of Health Services. Mr. Romanuk appeared on his own behalf. Mr. Romanuk, Sophie Woodka, an investigator for the Department of Health Services and John Walzer, the complainant, testified.

The following facts are found based on the testimony heard and exhibits which were introduced:

John Walzer has owned a residence at 10 Salem Road in Prospect since 1979. The original septic system constructed along with the house in the 1950's pours from the house into a metal tank which leaches into the ground. Mr. Walzer determined that the septic tank should be cleaned out and learned that Michael Gugliotti was in that business. Mr. Gugliotti was contacted by Mr. Walzer to clean the tank. Only Mr. Walzer's son, who did not testify, was at home when Mr. Gugliotti arrived on August 17, 1981.

Mr. Walzer was advised by his son that the metal tank lid was not completely removed but, rather, that a small area of dirt around the cover was scraped off and a portion of the tank lid was pried or bent to permit the introduction of the necessary hose.

Although there were no problems immediately, several weeks later, sewage began entering the basement through a sink drain. Mr. Walzer asked Mr. Romanuk, who is the owner of the sole proprietorship known as Prospect Waste Removal and for whom Mr. Gugliotti worked, to correct the problem. Mr. Romanuk never did so.

Mr. Walzer then contacted Salem Sanitation. Their personnel visited the property twice, completely uncovered the tank, concluded that the tank cover had been bent and that the outflow baffle in the tank had been damaged. Salem Sanitation replaced the cover and the outflow baffle and performed certain repairs to the inflow baffle.

Mr. Walzer obtained a small claims judgment against Mr. Romanuk on account of the expenditures he incurred to Salem Sanitation. The judgment was never satisfied. Apparently, it was obtained as a result of a default.

Mr. Walzer thereafter contacted the Department of Health Services. Ms. Woodka investigated the claim and contacted Mr. Romanuk. He stated to Ms. Woodka that the work at the Walzer residence had been done by Mr. Gugliotti because Mr. Romanuk had been ill on the day in question.

Mr. Romanuk testified that he did not recall making the foregoing comments to Ms. Woodka. He stated that he had been ill on the day in question but did go to the Walzer residence with Mr. Gugliotti (who does not hold a license from the Department) and that he supervised Mr. Gugliotti's work. Mr. Romanuk also stated

that he alone drove the waste removal truck owned by his business. Mr. Walzer testified on rebuttal that he had seen Mr. Gugliotti driving the Prospect Waste Removal truck on several occasions.

Neither Mr. Gugliotti nor Mr. Walzer's son testified. No expert testimony was introduced as to the difficulties experienced by Mr. Walzer following the initial work performed at the Walzer residence on August 17, 1981.

Mr. Romanuk stated that he believed he was permitted to employ an unlicensed "helper" as long as he supervised the "helper's" work. Mr. Romanuk holds a license from the Department to perform the work of a subsurface sewage disposal system cleaner. Mr. Gugliotti has never been so licensed.

Although the Department has not adopted any regulations under Chapter 393a of the Connecticut General Statutes, the unofficial "policy" has been that an unlicensed person may qualify as an apprentice under General Statutes § 20-341 if that person is supervised by a licensed individual.

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The hearing examiner considered all of the evidence, and, because Mr. Romanuk appeared pro se, weighed all of the evidence in a light most favorable to him. Because the Department failed to produce any witnesses or evidence other than Mr. Walzer's statements as to comments made by his son that Mr. Romanuk had not been present on August 17, 1981, the testimony of Ms. Woodka was regarded as most credible. The essential facts of the complaint

against Mr. Romanuk are found against him. Based on all of the foregoing, the following conclusions are reached:

1. Mr. Romanuk permitted Mr. Gugliotti, an unlicensed individual, to perform the cleaning of Mr. Walzer's subsurface sewage disposal system without supervision in violation of § 20-341f(a) and (d)(3) of the Connecticut General Statutes.

2. The work performed by Mr. Gugliotti was negligent in that the septic tank cover at the Walzer residence was (a) unnecessarily damaged and (b) left by Mr. Gugliotti in a damaged condition.

3. Those portions of the charges against Mr. Romanuk that he violated the Connecticut General Statutes by merely employing the unlicensed individual are found in favor of Mr. Romanuk in view of Ms. Woodka's testimony concerning the Department's apprentice policy.

The Department has requested that a fine of \$1,000 be assessed against Mr. Romanuk. Because it is clear that the work done at the Walzer septic tank was negligent, whether or not Mr. Romanuk supervised that work, and because, by the preponderance of the evidence, Mr. Romanuk permitted Mr. Gugliotti to perform said work without supervision, it is hereby ordered that a fine of \$200 should be assessed against Mr. Romanuk.

By \_\_\_\_\_  
Elliott B. Pollack  
Hearing Examiner

March 23, 1987