

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH**

Mark Paluzzi, E. M. T.
Certificate No. 890674

Petition No. 2005-1128-070-011
March 21, 2007

MEMORANDUM OF DECISION

Procedural Background

On December 7, 2006, the Department of Public Health ("the Department") issued a Statement of Charges ("the Charges") against Mark Paluzzi, E. M. T. ("respondent") Rec. Exh.1. The Charges allege that respondent's conduct constitutes grounds for disciplinary action pursuant to the General Statutes §19a-180(b), read in conjunction with §19a-179-9(f) of the Regulations of Connecticut State Agencies ("the Regulations").

On December 11, 2006, the Department issued a Notice of Hearing ("the Notice") in which the Commissioner appointed this Hearing Officer to hear this matter, to rule on all motions, and determine findings of fact and conclusions of law, and issue an Order. Respondent received the Notice of the hearing via first class mail, certified mail, return receipt requested, and service by State Marshal at respondent's usual place of abode. Rec. Exhs. 2, 4; Dept. Exh. 1.

Respondent did not file an Answer to the Charges. Dept. Exh. 1; Tr. p. 5.

On December 19, 2006, an administrative hearing was held. Respondent failed to appear and was not represented by counsel. Attorney Diane Wilan represented the Department.

On December 19, 2006, the Department moved to Deem the Allegations Admitted ("the Motion") pursuant to §19a-9-20 of the Regulations. Tr. p. 5. On the record, the Motion was granted, upon sufficient proof of service on respondent. Dept. Exh. 1; Tr. p. 5.

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. Respondent is, and has been at all times referenced in the Statement of Charges, the holder of Connecticut Emergency Medical Technician certificate number 890674.
2. At all relevant times, respondent was employed as an E. M. T. for American Response Ambulance ("AMR") in New Haven, Connecticut.

3. On or about November 9, 2006, respondent was arrested by the Woodbridge, Connecticut police for sexually assaulting an 11-year old girl during approximately June or July 2006. Respondent was charged with three counts of Sexual Assault in the Fourth Degree and three counts of Impairing the Morals of Children, in violation of the General Statutes §§53a-73a and 53-21, based in part on his signed/sworn statement admitting the above offenses.
4. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes §19a-180(b) and/or §19a-179-9(f) of the Regulations.

Findings of Fact

1. The Department provided respondent with adequate and reasonable notice of the hearing in this matter. Dept. Exh. 1; Tr. p. 3.
2. The allegations contained in paragraphs one through four, inclusive, of the Charges, as set forth above, are deemed admitted and true. Tr. p. 5.

Discussion and Conclusions of Law

The hearing in this matter was conducted in accordance with Chapter 54 of the General Statutes, and §§19a-9-1 *et seq.* of the Regulations. In bringing this action, the Department seeks disciplinary action pursuant to §19a-17 of the General Statutes, against respondent's certification, based on allegations that respondent violated §19a-180(b) of the General Statutes read in conjunction with §19a-179-9(f) of the Regulations.

Section 19a-180(b) authorizes the Department to revoke a person's E. M. T. certification if such person "does not maintain standards or violates regulations" adopted by the Department. Section 19a-179-9(f) provides that:

No person engaged in the provision of emergency medical services shall commit an act, which is detrimental to the safety, health or welfare of a patient or the general public.

The Department bears the burden of proof by a preponderance of the evidence.

Since respondent did not file an Answer, the allegations are deemed admitted. §19a-9-20 of the Regulations.

Respondent, a certified E. M. T., admitted that he sexually assaulted an 11-year-old girl during June or July 2006. As a result, respondent was arrested by the Woodbridge Police Department and charged with three counts of Sexual Assault in the Fourth Degree and three counts of Impairing the Morals of Children, in violation of the General Statutes §§53a-73a and

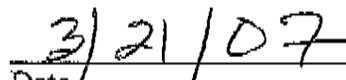
53-21. Such conduct is sufficient grounds on which to impose disciplinary action on his certificate pursuant to the General Statutes §19a-180(b) in conjunction with §19a-179-9(f) of the Regulations.

Because of the nature of the crimes committed by respondent, the Department has established by a preponderance of the evidence that respondent poses a threat to the public health and safety, and cannot be entrusted with a certification as an E. M. T. which would provide him access to minor females.

Order

Based on the record in this case, the above findings of fact and conclusions of law, the E. M. T. certificate of Mark Paluzzi shall be revoked.


Alfreda Gaither, Esq.
Hearing Officer


Date

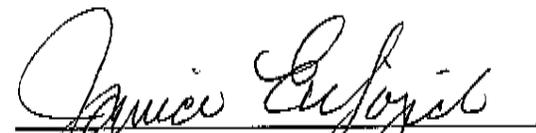
CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes Section 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 21st day of March, 2007, certified mail return receipt requested and first class mail to:

Mark Paluzzi
29 Landin Street
Woodbridge CT 06525

and Interdepartmental Mail to:

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Janice E. Wojick, Hearings Liaison