

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH



Renée D. Coleman-Mitchell, MPH  
Commissioner

Ned Lamont  
Governor  
Susan Bysiewicz  
Lt. Governor

PUBLIC HEALTH HEARING OFFICE

January 24, 2020

Firyad Quadir, d/b/a Sunshine Deli  
c/o Michael A. Fitzpatrick, Esq.  
Attorney At Law  
10 Middle Street, 7<sup>th</sup> Floor  
Bridgeport, CT 06604

CMRRR#91 7199 9991 7038 1037 5886  
& First Class Mail

Maritza Bond, MPH, Director of Health  
City of Bridgeport  
c/o Michael Jankovsky, Esq.  
999 Broad Street  
Bridgeport, CT 06604

CMRRR#91 7199 9991 7038 1037 5879  
& First Class Mail

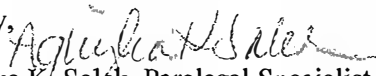
**RE: Quadir, Firyad d/b/a Sunshine Deli v. City of Bridgeport, Environmental Health Division, #190808FS, Sunshine Deli, 1306 Stratford Avenue, Bridgeport, Connecticut**

Dear Sir or Madam:

Enclosed please find a copy of the Proposed Memorandum of Decision rendered by Hearing Officer, Olinda Morales in the above-referenced matter.

Pursuant to Connecticut General Statutes § 4-179, any party adversely affected by a proposed decision who wishes to file exceptions and briefs and/or present oral argument must file such a request, in writing, with the Commissioner of the Department within fourteen (14) days from the date of this notice, or by **February 7, 2020**. If no such request is received by this date, the Commissioner will assume those rights to be waived and will render a Final Decision in this matter.

All filings shall be sent to: Public Health Hearing Office, Department of Public Health  
410 Capitol Ave., MS#13PHO, P.O. Box 340308  
Hartford, CT 06134-0308

Sincerely,  
  
Agnieszka K. Salék, Paralegal Specialist

c: Renée D. Coleman Mitchell, M.P.H., Commissioner  
Olinda Morales, Esq., Hearing Officer



Phone: (860) 509-7566 • Fax: (860) 707-1904  
Telecommunications Relay Service 7-1-1  
410 Capitol Avenue, P.O. Box 340308  
Hartford, Connecticut 06134-0308  
www.ct.gov/dph

Affirmative Action/Equal Opportunity Employer



**CERTIFICATION**

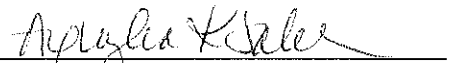
I hereby certify that, pursuant to Connecticut General Statutes Section 4-180(c), a copy of the foregoing Proposed Memorandum of Decision was sent this 24<sup>th</sup> day of January, 2020, by certified mail return receipt requested and first class mail:

Firyad Quadir, d/b/a Sunshine Deli  
c/o Michael A. Fitzpatrick, Esq.  
Attorney At Law  
10 Middle Street, 7<sup>th</sup> Floor  
Bridgeport, CT 06604

CMRRR#91 7199 9991 7038 1037 5886  
& First Class Mail

Maritza Bond, MPH, Director of Health  
City of Bridgeport  
c/o Michael Jankovsky, Esq.  
999 Broad Street  
Bridgeport, CT 06604

CMRRR#91 7199 9991 7038 1037 5879  
& First Class Mail

  
Agnieszka K. Salek, Paralegal Specialist



A Notice of Hearing, dated October 2, 2019 (“Notice”), signed by the Department’s Commissioner, Renée Coleman-Mitchell, M.P.H., set October 18, 2019, as the date for the hearing in this matter and designated Olinda Morales, Esq. as the Hearing Officer to rule on all motions and recommend findings of fact and conclusions of law to the Commissioner.<sup>1</sup> The Notice was mailed by certified mail, return receipt requested and by first class mail to Appellant’s Attorney, Michael A. Fitzpatrick, at 10 Middle Street, 7<sup>th</sup> Floor in Bridgeport, CT 06604. Rec. Ex. 5.

On October 4, 2019, Local Health requested a continuance of the hearing, which was granted and the hearing was rescheduled for October 22, 2019, as Appellant did not object to Local Health’s continuance request. Rec. Ex. 7.

On October 9, 2019, Local Health again requested a continuance of the October 22, 2019 hearing, which was opposed by Appellant, and which was denied. Rec. Ex. 9.

On October 10, 2019, Appellant filed a Motion for Order to Disclose and Provide documents concerning the inspection reports, complaints, and transcripts of the hearing conducted by Local Health on September 12, 2019, which was granted. Rec. Ex. 10.

On October 22, 2019, the hearing was held in accordance with Conn. Gen. Stat. § 4-166, et seq. (the Uniform Administrative Procedure Act). Appellant appeared with his Attorney, Michael A. Fitzpatrick. Attorney Michael Jankovsky represented Local Health. Transcript p. 1.

The findings of fact herein are based entirely on the record as required by Conn. Gen. Stat. § 4–180(c). In some cases, the findings of fact also reflect the Hearing Officer’s determinations regarding the credibility of witness testimony. *See, Elf v. Dept. of Public Health*, 66 Conn. App. 410, 422 (2001).

## II

### FINDINGS OF FACT

1. Appellant has been the owner of Sunshine Deli, a food service establishment located at 1306 Stratford Avenue in Bridgeport, Connecticut since approximately 2013. Rec. Exs. 1 and 2. The store is a 24 hours per day, seven days per week deli with three employees. Tr. p. 207.

---

<sup>1</sup> During the hearing, it was clarified that the hearing in this matter addressed the appeals for the July 31, 2019 Order to Close and the August 26, 2019 Order to Revoke Food License, with the agreement of both parties. Tr. pp. 5-6; See Reg. of State Agencies § 19a-9-29(g).

2. In order for a food establishment to pass a food inspection, it must receive a score of 80 or higher, without receiving any four demerit point violations (demerit point violations cause the failure of a food inspection even if the store receives a score of 80 or higher). Tr. pp. 35-37.
3. On July 30, 2019, the owner of the property was present during the inspection. Tr. p. 73.
4. On July 30, 2019, Local Health's Food Inspectors and Sanitarians Inna Khmelmitskaya and Sean Tipps conducted an inspection of the store as a result of a complaint. Tr. p. 46. The store received a score of 59 with three (3) demerit points. Tr. pp. 46-47, 66; LH Ex. 6. The inspectors found the following serious violations: dented can on a shelf; bacon, ham, cheese, and sliced tomatoes stored at 81 degrees Fahrenheit ("F"), sausage patties stored at 77 degrees F, butter stored at 78 degrees F; five boxes of raw chicken, pastrami, cheese, and ham stored at 56 degrees F, three boxes of eggs stored at 59 degrees F, and turkey stored at 57 degrees F in walk-in cooler; temperature inside the Bain Marie cooler was between 75 to 79 degrees F (acceptable temperature is below 41 degrees F); temperature inside the walk-in cooler was at 52 degrees F; there were several containers of beverages, oil, and candy on the floor; there was no hand-washing done between glove changing, and there was overflowing garbage in the garbage dumpster in the back of the store. Tr. pp. 47-50, 54-55, 82; LH Ex. 6. The inspector confirmed with the owner that the dumpster belonged to the store. Tr. p.82.
5. On July 30, 2019, the inspectors also found several other violations of Conn. Agencies Regs. § 19-13-B42 including: unclean wiping cloths stored in a non-sanitized manner, items stored inside a hand washing sink, worn cutting board, ice build-up in chest freezer, walk-in cooler door that did not close properly and with dirty shelves, cardboard on shelves inside walk-in cooler, no sanitizer on site, unclean shelves in the Bain-Marie cooler, mop bucket with water, using dish soap as hand soap, presence of flies inside the store, front door open, missing floor tiles in the front of the store, damaged wall in back of the store, mop not hung, unnecessary articles in the back area, and no designated alternate qualified food operator. LH. Ex. 6.
6. During the July 30, 2019 inspection, the inspector observed the owner in the store cooking food such as grilled chicken and making sandwiches, and selling food to customers. Tr. pp. 93-94.
7. On July 30, 2019, upon receiving a report of the conditions found inside the property, Local Health Director Maritza Bond ordered the store to be closed. Tr. p. 51. Subsequently, the Local Health inspectors on site informed the owner that Local Health was closing the store and proceeded to destroy the food items that were stored out of the required temperature, closed the store, and posted white signs that stated, "Closed per order of the City of Bridgeport Health Department" ("the Closure Signs"). Tr. pp. 52, 56; LH Ex. 6, pp. 5-6. The inspectors placed three signs on the inside glass door and glass windows of the front of the store. Tr. pp. 53, 84.

8. Sometime around midnight on July 30, 2019, the store was open, with its lights on, the metal shutters raised, and the Closure Signs removed, giving the impression that the store was open for business. Appl. Ex. 4.
9. On July 31, 2019, Local Health again issued an Order to Close to the property owner upon receiving complaints that the store had been opened for business after the two Local Health inspectors had issued the July 30, 2019 Order to Close. LH Ex. 6.
10. Local Health placed Closure Signs on the inside of the store glass windows and door on at least two different occasions, July 30 and July 31, 2019. On July 30, July 31, and August 24, 2019, the store did not have the signs posted. Tr. pp. 147, 151; LH Ex. 7.
11. On August 21, 2019, Local Health inspector Tipps conducted a re-inspection of the store upon the request of the store owner, who indicated that he had made all of the corrections to the violations cited in the July 30, 2019 inspection. Tr. p. 57; LH Ex. 9.
12. During the August 21, 2019 inspection, the store received an overall score of 91 with no demerit points. But, the store was cited for having a walk-in cooler temperature of 48-49 degrees F (the walk-in cooler should have a temperature below 41 degree F). Additionally, the following items needed cleaning: the meat slicer, the walk-in cooler's shelves and interior ceiling (mold and dust were present), and for not having a paper towel dispenser, and the presence of flies and ants. Tr. pp. 58-62; LH Ex. 13.
13. On August 21, 2019, there was no perishable food in the store at the time of the inspection. Tr. p. 60.
14. From January 2019 to August 26, 2019, Appellant had an expired food license. Tr. pp. 236-239.
15. On August 27, 2019, Local Health inspector Desrouilleres, along with a state marshal, served the store with the Order to Revoke License based on Appellant removing the Closure Signs, the store having an expired food license, and the store opening after it had been closed. Tr. pp. 62, 92; LH 14.

### III

#### DISCUSSION

This is an appeal of two Local Health's orders brought under Conn. Gen. Stat. § 19a-229. It is a de novo proceeding in which a hearing is held to examine the merits of the case to determine if the July 31, 2019 Order to Close and the August 26, 2019 Order to Revoke Food License should be vacated, modified or affirmed. Conn. Gen. Stat. § 19a-229; Conn. Agencies Regs. § 19a-9-14(e); *Stepney, LLC v. Town of Fairfield*, 263 Conn. 558, 567-68 (2003). Local

Health, as proponent of the Order, bears the burden of proof in this case. *Flahive v. Mansfield*, 54 Conn. Law Rptr. 273, 2012 WL 3176432 TTDCV125005633S (J.D. of Tolland, July 10, 2012) (Sferrazza, S.J.) (holding that Mansfield had the burden of proof in an appeal of a nuisance fine that was brought by the Appellant, the subject of the fine). Local Health must prove its case by a preponderance of the evidence. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727, 739-740 (2013) (noting that the applicable standard of proof in administrative proceedings is the preponderance of the evidence standard unless the legislature has indicated otherwise).

***1. Local Health sustained its burden of proof that it had legal and factual grounds to issue the July 31, 2019 Order to Close***

Pursuant to Conn. Agencies Regs. § 19-13-B42(a)(7), Sunshine Deli is a food service establishment within the meaning of and subject to the Public Health Code.

Conn. Agencies Regs. § 19-13-B42 (u) provides in pertinent part:

- (1) Every food service establishment shall maintain a rating score of eighty (80) or higher and shall not have one (1) or more four (4) demerit point items in violation, regardless of the rating score . . . If the rating score is below eighty (80) or if there is one (1) or more four (4) demerit point items in violation at the time of inspection, the director of health, registered sanitarian or authorized agent shall order correction of the items in violation within two (2) weeks. After the two (2) weeks, the director of health, registered sanitarian or authorized agent shall make a re-inspection and determine the new rating score.

Conn. Agencies Regs. § 19-13-B42 (m)(1) provides in pertinent part that, except during necessary periods of preparation and service, potentially hazardous foods<sup>2</sup> shall be maintained at 45 degrees or below, or at one hundred forty degrees F or above.

Conn. Agencies Regs. § 19-13-B42 (m)(3) provides in pertinent part that, cooked potentially hazardous foods shall be cooled from one hundred forty degrees F to seventy degrees F within two hours, and from seventy degrees F to forty-five degrees F or below within four additional hours.

The preponderance of the evidence establishes that Local Health inspected the store on July 30, 2019, with two of its sanitarians and certified food inspectors, Inna Khmelmitskaya and Sean Tipps. Tr. p. 46. The owner of the property was present during the inspection. Tr. p. 73.

---

<sup>2</sup> “Potentially hazardous food” means any food or food ingredient, natural or synthetic that is in a form capable of supporting: (A) the rapid and progressive growth of infectious or toxigenic microorganisms, or (B) the slower growth of *Clostridium botulinum*. See Conn. Agencies Regs. § 19-13-B42(a)(10).

Inspector Khmelmitskaya observed the owner cooking grilled chicken, making sandwiches, and selling food to customers. Tr. pp. 93-94.

The store received a score of 59 with three (3) four-point demerits (Tr. pp. 46-47, 66; LH Ex. 6) due to several violations, including: a dented can on a shelf (in violation of Conn. Agencies Regs. § 19-13-B42(n) that requires that food considered unsafe be destroyed); bacon, ham, cheese, and sliced tomatoes stored at 81 degrees F, sausage patties stored at 77 degrees F, butter stored at 78 degrees F; five boxes of raw chicken, pastrami, cheese, and ham stored at 56 degrees F, three boxes of eggs stored at 59 degrees F, and turkey stored at 57 degrees F in the walk-in cooler; temperature inside the Bain Marie cooler was between 75 to 79 degrees F (acceptable temperature is below 41 degrees F); temperature inside the walk-in cooler was at 52 degrees F; there were several containers of beverages, oil, and candy on the floor; there was no hand-washing done between glove changing and no hair restraints observed on employees (in violation of Conn. Agencies Regs. § 19-13-B42 (p)), and there was overflowing garbage in the garbage dumpster in the back of the store (in violation of Conn. Agencies Regs. § 19-13-B42(l), among other violations<sup>3</sup>. Tr. pp. 47-50, 54-55, 82; LH Ex. 6. The inspector confirmed with the owner that the dumpster belonged to the store. Tr. p. 82.

On July 30, 2019, upon receiving a report of the conditions found inside the property, Local Health Director Maritza Bond ordered the two sanitarians to close the store. Tr. p. 51. Subsequently, the Local Health inspectors on site informed the owner that Local Health was closing the store and proceeded to destroy the food items that were stored out of the required temperature, closed the store, and posted white Closure Signs. Tr. pp. 52, 56; LH Ex. 6, pp. 5-6. The inspectors placed three signs on the inside glass door and glass windows of the front of the store. Tr. pp. 53, 84.

On July 31, 2019, Local Health issued a second Order to Close to the property owner upon receiving complaints that the store had been open for business after the two Local Health inspectors had issued the July 30, 2019 Order to Close. Tr. p. 147; LH Exs. 7 and 6. Therefore,

---

<sup>3</sup> The inspectors also found several other violations of Conn. Agencies Regs. § 19-13-B42 including: unclean wiping cloths stored in a non-sanitized manner, items stored inside hand wash sink, worn cutting board, ice build-up in the chest freezer, a walk-in cooler door that did not close properly and had dirty shelves, cardboard on shelves inside walk-in cooler, no sanitizer on site, unclean shelves in the Bain-Marie cooler, mop bucket with water, using dish soap as hand soap, presence of flies inside the store, front door open, missing floor tiles in the front of the store, damaged wall in back of the store, mop not hung, unnecessary articles in the back area, and no designated alternate qualified food operator. LH. Ex. 6.



Local Health sustained its burden of proof that it has sufficient factual and legal basis to issue the July 31, 2019 Order to Close.

In his defense, Mr. Quadir testified that on July 30, 2019, he found that his coolers were not working well in that they couldn't keep the temperature low enough. Thus, he called a repairman to come into the store to repair the equipment. Tr. p. 198-200. Mr. Quadir claims that the food was not tainted. *Id.* at p. 201.

Mr. Quadir testified that he does not check the temperature inside the cooler on a regular basis, only when he notices something is wrong. Tr. p. 270. Mr. Quadir's testimony is an insufficient basis to invalidate or vacate the July 31, 2019 Order to Close. Also, as discussed in more detail below, sometime around midnight on July 30, 2019, the store was open, with its lights on, the metal shutters raised, and the Closure Signs removed, giving the impression that the store was open for business in derogation of Health Director Bond's July 31, 2019 Order to Close. Appl. Ex. 4.

**2. *Local Health sustained its burden of proof that it had legal and factual grounds to issue the August 26, 2019 Order to Revoke Food License***

In accordance with section 8.20.540(A) of the Bridgeport Ordinances:

The Director of Health may, after providing opportunity for a hearing, revoke a license for serious or repeated violations of any of the requirements of this chapter or the Public Health Code of the State of Connecticut, or for interference with the Director of Health in the performance of her duties, or for cases where the license to operate has been obtained through nondisclosure, misrepresentation, or intentional misstatement of a material fact, or for nonpayment of personal property taxes . . . .

The preponderance of the evidence establishes that Local Health appropriately revoked Appellant food license in accordance with section 8.20.540(A) of the Bridgeport Ordinances. Appellant interfered with the Director of Health in the performance of her duties in that he opened the store after it had been closed on July 30, 2019, and in that he removed or allowed the removal of the Closure Signs on three different occasions after Local Health had placed them on the store's front door, windows, and metal shutters, giving the impression it was open for business.

The evidence shows that the store was open after Local Health issued the first order to close on January 30, 2019. Eneida Martinez, a council member for the Bridgeport 139<sup>th</sup> District (Tr. p. 98) testified that on July 30, 2019, sometime between 11:48 to 11:54 pm, she received reports from constituents that the store was open and operating after the store had been closed by Local Health Order earlier that day. Tr. p. 99. Ms. Martinez drove to the vicinity of the store and parked her car at the corner between Stratford and Union Avenue. Tr. pp. 102-103, 111. From her car, Ms. Martinez was able to observe that the store was open for business, when approximately six to eight persons entered the store and exited carrying bags. *Id.* At that point she contacted Captain Blackwell from the Bridgeport Police Department, and Health Director Maritza Bond. *Id.* She also took a photograph of the store front, which showed people in front of the store carrying bags. LH Ex. 23.

Approximately at midnight on July 30, 2019, after receiving the complaint from Ms. Martinez, Health Director Bond called the store to inquire whether the store was open for business. The person who answered the phone indicated that he was not the owner, he was just cleaning, and that he couldn't control customers coming into the store. Tr. p. 147. When Police Officer Luis Pomales arrived at the store, he did not observe customers inside. Appl. Ex. 4. Instead, he observed that the metal shutters were raised, the front door was locked, and there was a worker inside, who indicated to Officer Pomales that he was there to clean the store. *Id.* On July 31, 2019, when Ms. Bond was outside the store, waiting for the second Order to Close to be served to the owner, there were several customers outside the store, waiting to go into the store. Tr. pp. 147-148.

The evidence also shows that the Closure Signs had been removed on at least two different occasions. On July 31, 2019, Health Director Bond went to the store to deliver another Order to Close, and observed that the Closure Signs that had been placed there earlier on July 30, 2019, had been taken down. Tr. p. 147; LH Ex. 7. On July 31, 2019, Local Health staff re-posted Closure Signs for the second time, but this time the signs were yellow instead of white. Tr. p. 148. On August 24, 2019, Ms. Bond received several complaints that the store was open for business. Tr. p. 151. When she went to the store, she observed that the yellow signs had all been taken down. Tr. pp. 152, 183. She did not observe anyone cleaning or cleaning supplies, and she did not smell cleaning supplies. Tr. p. 153. On August 24, 2019, Ms. Bond observed an

employee of the store trying to tape one of the white signs onto the store glass door, and no other signs were posted. Tr. p. 169.

The removal of the Closure Signs on July 30, July 31, and August 24, 2019 interfered with the Local Health Director's duties, causing the issuance of her Order to Revoke Food License. Tr. p. 184. On all occasions, the Closure Signs were placed inside the glass door and window of the store as well as on the outside metal shutters. Tr. p. 186. Therefore, on August 26, 2019, Ms. Bond revoked the store's food license even though Local Health had a re-inspection scheduled for September 4, 2019. Tr. pp. 180, 181; LH Ex. 14.

Another ground for revocation of the store's food license is that Local Health also claims that the store had not renewed its food license. Tr. p. 236. However, Mr. Quadir testified that he applied for three licenses on January 2019: a tobacco license, a food establishment license, and a restaurant license. Tr. pp. 236-237. He paid a fee of \$300.00, and the staff at the Health Department informed Mr. Quadir that the licenses would arrive in the mail. Tr. p. 237. He only received the tobacco and restaurant licenses, but he did not receive the food license. *Id.* However, Mr. Quadir concedes that he failed to inquire about the fate of the food license. *Id.* He is willing to pay the fine for failure to renew the food license. Tr. p. 239.

After the store's food license was revoked, Mr. Quadir requested a review hearing by Local Health held at the Local Health Department on September 12, 2019. However, at such hearing the Local Health Director refused to rescind the Order to Revoke Food License. Tr. p. 240.

In his defense, Mr. Quadir testified that he feels targeted by the Health Director because every time the inspectors come into the store, they cited the store for something new. Tr. p. 271. Mr. Quadir denies that the store was operating on July 30, 2019, after Local Health closed the store. He also denies taking down any of the closure signs, that there were no paper towels, and that the meat slicer had been used. Tr. pp. 206, 208, 222, 225, 226, 229, 233, 251. Mr. Quadir also claims that the inspectors did not place the Closure Signs on the glass door and windows. Instead, he claims he did this himself, and that only one sign was posted. Tr. pp. 253-254. Mr. Quadir also testified that the Local Health inspection asked him to replace the glass door on August 21, 2019, because the glass was cracked. Tr. p. 255. He claims that he took off the Closure Sign to replace the glass door. Tr. p. 259.

Mr. Quadir's defenses are not credible in light of the photos provided by Local Health in which they showed that several signs had been placed inside the store glass window and door on July 30, July 31, and August 24, 2019, where Mr. Quadir had control of the fate of the signs. Also, even if the store was not actually selling food on the night of July 30, 2019, and August 24, 2019, the preponderance of the evidence establishes that on both occasions, the metal shutters were not down, giving the public the impression that the store was open for business in contradiction to the order to close.

Mr. Farjan Quadir, Appellant's brother, testified that he was present when Ms. Bond arrived at the store on August 24, 2019, with three or four police officers, and that "nothing was going on at the store." Tr. pp. 284-285. He also testified that Appellant was present along with their friends Emilio and William, and, at the time, the store was not open for business. Tr. p. 284. He also claims that he offered to show the surveillance video to Ms. Bond, but she refused. Tr. p. 287. The video was not part of the record and therefore not considered in this matter.

William Nieves also testified on behalf of Appellant. Tr. p. 296. He testified that on August 24, 2019, when Ms. Bond arrived at the store, he was with Appellant power-washing the cooler's shelves. Tr. p. 297. He claims that while he was at the store, there were no customers in the store and no items were sold. Tr. p. 298. But, he also testified that he was not in the store at the time Ms. Bond was there. Tr. p. 299.

Between July 30 and August 21, 2019, Mr. Quadir made repairs to the coolers and provided the receipts to Local Health when he requested the re-inspection of the store. Tr. p. 244. After Local Health revoked the store's food license, Appellant made repairs and improvements to the store in order to re-apply for his food license; repairs included: installing new floors, buying a new grill and chef's table, which is a cooler, a paper towel dispenser, shelves for the walk-in cooler, a metal shelf for the wall, and new digital thermometers. Tr. pp. 246- 249, 260; Appl. Ex. 9. Appellant's work repairing the store and curing its violations is commendable. However, it is insufficient to vacate the Order to Close and the Order to Revoke Food License.

Besides Appellant's testimony and the testimony of his brother and Mr. Nieves, Appellant did not produce evidence that contradicts the testimony of the Ms. Martinez, Ms. Bond, or the photographs showing that Local Health placed Closure Signs on three different occasions, which were subsequently removed. Even if the store was not selling food on July 30, 2019 at night and August 24, 2019, it gave the impression to the general public that it was open because the lights

were on, the metal shutters raised, and the Closure Signs removed. Finally, the store food license had not been renewed as required by the Bridgeport Ordinances and as conceded by Appellant.

Therefore, the Order to Close and the Order to Revoke Food License were properly issued by Local Health.

#### IV

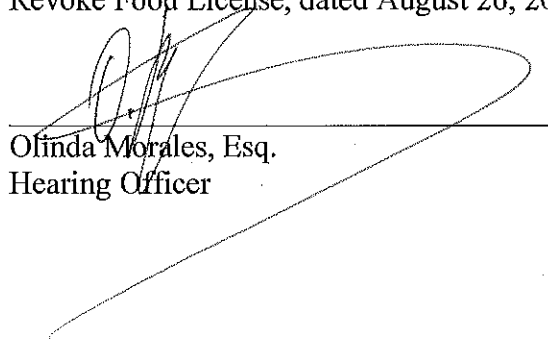
#### CONCLUSION

Local Health has established by a preponderance of the evidence that Appellant was in violation of Conn. Agencies Regs. § 19-13-B42, *et seq.*, at the time the Order to Close and Order to Revoke Food License were issued, and that Appellant interfered with the Local Health Director's duties warranting the revocation of the store food license.

Accordingly, the above facts are sufficient to warrant the issuance of the Order to Close and the Order to Revoke Food License. *See*, Conn. Gen. Stat. §§19a-111 *et seq.*, Conn. Agencies Regs. §§ 19a-111-2(a), (b), (c), and (d) *et seq.*; *Ward v. Torrington Area Health Department* Docket No. 940104EH-B (1994); *Nadeau v. Comm'r of Public Health*, No. CV 95-0553046 (Sup. Court, J.D. Hartford/ New Britain at Hartford, March 15, 1996); *Dillon v. Department of Public Health*. CV 97-0570364 (Sup. Court, J.D. Hartford/ New Britain at Hartford, September 30, 1998). The appeal should be dismissed.

#### PROPOSED ORDER

Based on the record in this case and the above findings of fact and conclusions of law, the Hearing Officer respectfully recommends to the Commissioner that this appeal should be DISMISSED and that Local Health's Order to Close, dated July 31, 2019, and the Order to Revoke Food License, dated August 26, 2019, should be AFFIRMED.

  
Olinda Morales, Esq.  
Hearing Officer

  
Date