

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: David Scully

Petition No. 20000914-032-002

**CONSENT ORDER**

WHEREAS, David Scully of Wolcott, Connecticut (hereinafter "respondent") has been issued license number 000219 to practice as a subsurface sewage disposal system cleaner by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 393a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent has at no time been issued a license to practice the work of a subsurface sewage disposal system installer by the Department under the General Statutes of Connecticut, Chapter 393a; and,

WHEREAS, the General Statutes of Connecticut, §20-341f(a) provides that no person shall engage in the practice of a subsurface sewage disposal system installer in this State until he is issued a license by the Department; and

WHEREAS, respondent admits that:

1. On or about August 30, 2000, respondent replaced a septic tank at 156 Clinton Road, Wolcott, Connecticut (hereinafter "the property") without having a valid license to do so. Respondent further admits that when he replaced said septic tank, he engaged in the practice of a subsurface sewage disposal system installer without having a valid license to do so.

2. When respondent replaced the septic tank at the property, he failed to obtain a permit to construct. In addition, respondent failed to notify the local director of health at least twenty-four hours prior to commencement of construction.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §§20-341a, 20-341f(a) and 20-341f(d), taken in conjunction with §§19-13-B103e, 19-13-B103e(f)(1) and 19-13-B103e(f)(2) of the Regulations of Connecticut State Agencies.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-341f(d) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-11, 19a-14, 19a-17 and 20-341f(d) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 000219 to practice as a subsurface sewage disposal system cleaner in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two-hundred dollars (\$200.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall cease and desist in the practice of a subsurface sewage disposal system installer or in any other practice that requires licensure in the State of Connecticut without first obtaining an appropriate license.

5. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.
7. This Consent Order is effective on the date this Consent Order is accepted and ordered by the Department.
8. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in which his compliance with this Consent Order or with Chapter 393a of the General Statutes of Connecticut, as amended, is at issue.
9. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
10. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
11. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
12. Respondent has the right to consult with an attorney prior to signing this document.

I, David Scully, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

David Scully  
David Scully

Subscribed and sworn to before me this 3<sup>rd</sup> day of Nov 2000.

[Signature]  
Notary Public or person authorized  
by law to administer an oath or affirmation  
My Com. No. [unclear]

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 5<sup>th</sup> day of December 2000, it is hereby accepted.

[Signature]  
Thomas H. Furgalack, Director  
Division of Environmental Health

s:llf/scully/co  
10/00