

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
REGULATORY SERVICES BRANCH

In re: Peter Capalbo

Petition No. 2012-12

PRELICENSURE CONSENT ORDER

WHEREAS, Peter Capalbo of Greenwich, Connecticut (hereinafter "respondent") has applied for licensure 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 admits that:

1. The Department has at no time issued respondent a license to practice the occupation of a subsurface sewage disposal system cleaner under the General Statutes of Connecticut, Chapter 393a.
2. From in or about 2008 through April 2012, respondent engaged in the practice of a subsurface sewage disposal system cleaner without having a valid license to do so.
3. The conduct described above constitutes grounds for the denial of respondent's application for licensure pursuant to §19a-14 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-14 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives the right to a hearing on the merits of his application for licensure.
2. After satisfying the requirements for licensure as a subsurface sewage disposal system cleaner as set forth in Chapter 393a of the General Statutes of Connecticut, respondent's license to practice as a subsurface sewage disposal system cleaner will be issued.

3. Respondent's license to practice as a subsurface sewage disposal system cleaner in the State of Connecticut shall, immediately upon issuance, be reprimanded.
4. Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00) 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 Prelicensure Consent Order to the Department.
5. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau. The purpose of this Prelicensure Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
6. This Prelicensure Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this Prelicensure Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.
7. Respondent shall comply with all state and federal statutes and regulations applicable to his license, including without limitation, removing substantially all of the sludge and scum accumulation, whenever possible, when cleaning a septic tank, as required by Section 19-13-B103c(e) of the Regulations of Connecticut State Agencies.
8. Legal notice shall be sufficient if sent to respondent's last known address of record reported to Practitioner Licensing and Investigations of the Healthcare Quality and Safety Branch of the Department.
9. Respondent understands that this Prelicensure Consent Order may be considered as evidence of the above-admitted violations shall be deemed true in any proceeding before the Department in which (1) his compliance with this Prelicensure Consent Order is at

issue, or (2) his compliance with Chapter 393a of the Connecticut General Statutes, as amended, is at issue.

10. This Prelicensure Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent understands that this Prelicensure Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Prelicensure Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.
11. This Prelicensure 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.
12. This Prelicensure Consent Order is effective when accepted and approved by a duly appointed agent of the Department.
13. Respondent understands this Prelicensure Consent Order is a matter of public record.
14. Respondent understands he has the right to consult with an attorney prior to signing this Prelicensure Consent Order.

I, Peter Capalbo have read the above Prelicensure Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Prelicensure Consent Order to be my free act and deed.

Peter Capalbo

Peter Capalbo

Subscribed and sworn to before me this 12TH day of JULY 2012.

[Signature]

Notary Public or person authorized
by law to administer an oath or

affirmation R. DANTE POZZUOLI
COMMISSIONER OF SUPERIOR COURT-

The above Prelicensure Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 17th day of July _____ 2012, it is hereby ordered and accepted.

[Signature]

Suzanne Blancaflor, M.S., M.P.H., Section Chief
Environmental Health Section
Regulatory Services Branch

s:lf/Capalbo,PLCO