

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

In re: Vincent Cahill

Petition No. 2000-0612-033-006

CONSENT ORDER

WHEREAS, Vincent Cahill of Middlefield, CT (hereinafter "respondent") has been issued license number 000257 to practice as a subsurface sewage disposal system installer by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 393a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about August 1998, respondent was the licensed subsurface sewage disposal system installer at 87 Way Road, Middlefield, CT 06455 (hereinafter "the property").
2. On or about said date, in connection with a repair of the subsurface sewage disposal system at the property, respondent:
 - a. installed an undersized leaching system in that configuration of the leaching trenches did not meet the minimum requirements of the Technical Standards for Subsurface Sewage Disposal Systems (hereinafter "the Technical Standards"), adopted pursuant to Section 19-13-B103d(b) of the Regulations of Connecticut State Agencies;¹
 - b. failed to comply with the minimum separating distances required in the well exception granted by the Department on or about August 20, 1998; and

¹ The Regulations of Connecticut State Agencies pertaining to subsurface sewage disposal systems were amended subsequent to date of respondent's alleged misconduct. Unless otherwise noted, all citations to said regulations will be to those in effect in August 1998.

- c. failed to submit an accurate record of the sewage disposal system, as built, to the local director of health.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-341f(d), taken in conjunction with the Regulations of Connecticut State Agencies, §§19-13-B103d(a)(3), 19-13-B103d(b), 19-13-B103e(g)(4), and with Sections VIII(B) and VIII(F) of the Technical Standards.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, 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-14, 9a-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 000257 to practice as a subsurface sewage disposal system installer in the State of Connecticut is hereby reprimanded.
3. 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 Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
5. Respondent shall pay all costs necessary to comply with this Consent Order.

6. This Consent Order is effective on the date this Consent Order is accepted and ordered by the Department.
7. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent 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.
8. 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.
9. 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.
10. 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.
11. Respondent has the right to consult with an attorney prior to signing this document.

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I, Vincent Cahill, 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.

Vincent Cahill
Vincent Cahill

Subscribed and sworn to before me this 9th day of February 2001.

[Signature]
Notary Public or person authorized
by law to administer an oath or affirmation
commission by CT

The above Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 9th ^{22nd} day of February
February 2001, it is hereby accepted.

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