

STATE OF CONNECTICUT  
DEPARTMENT OF HEALTH SERVICES  
BUREAU OF HEALTH SYSTEM REGULATION  
DIVISION OF MEDICAL QUALITY ASSURANCE

In re:

Norman Hickey, S.S.I.

Petition No. 851021-33-006

CONSENT ORDER

WHEREAS, Norman Hickey, Uncasville, Connecticut has been issued license number I-1183 to install subsurface sewage disposal systems by the Department of Health Services pursuant to Chapter 393a of the General Statutes of Connecticut, as amended; and

WHEREAS, Norman Hickey hereby admits and acknowledges Solely for the purposes of proceedings before the Department of Health Services in which his license as a subsurface sewage disposal system installer is at issue.

1. On or about December 1980 he installed a subsurface sewage disposal system on lot #34 of the Oakland Park Subdivision, also known as #15 Willow Drive in Montville, Connecticut. An engineered subsurface sewage disposal system had been designed for said property in 1979.
2. He did not install the system on said property in accordance with the specifications set forth in the engineered system design.
3. He states that the actual location of the house was different from that shown on the engineered plan. He further states that he installed a system on said property in accordance with the requirements of the Public Health Code.
4. He did not obtain a new engineered plan before installing the system on the property.

5. The engineered system designed in 1979 noted: "A minimum of 27" of fill is required unless the curtain drain is installed & proves effective in lowering the ground water table to below 54" during the wet season"; and "The monitoring of stand pipes during the wet season may be required to reduce the amount of fill required"....."Installation of curtain drain & fill to be inspected by Town Sanitarian".
6. He did not bring in any fill to said property to construct the subsurface sewage disposal system. Instead he installed a curtain drain on said property. He did not install or monitor ground water stand pipes and the installation of the curtain drain was not inspected by the Town Sanitarian.
7. There is no record with the Town of Montville of a permit to construct a subsurface sewage disposal system on said property.
8. There is no record with the Town of Montville that said system was inspected after it had been installed.
9. By his conduct as set forth in paragraphs 1 through 8 above, he engaged in conduct which violated §20-341(f)(d) of the Connecticut General Statutes.

NOW THEREFORE, pursuant to §19a-17 and §20-341f of the Connecticut General Statutes, Norman Hickey (also referred to herein as the Respondent), hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter.
2. He is hereby assessed a civil penalty of \$500.00. Said fine shall be paid to:

Treasurer, State of Connecticut  
Department of Health Services  
150 Washington Street  
Hartford, CT 06106

A certified check for said amount shall accompany this Consent Order upon execution by the Respondent.

3. That his license, no. I-1183, to install subsurface sewage disposal systems in Connecticut is hereby suspended. The suspension is stayed immediately and he is placed on probation for two years subject to the following terms and conditions:

a. He shall not install, construct or repair a subsurface sewage disposal system unless the local town sanitarian or other duly authorized town official (1) has issued a permit to install, construct, or repair the system and (2) has inspected the system after said system has been installed, constructed or repaired.

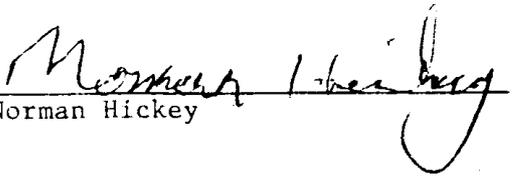
b. He shall prepare a list of all subsurface sewage disposal systems which he installs. Said list shall include name of the property owner, location of property, including street address and town, date permit obtained, date system completed, and date(s) system inspected by the town. Said list shall be submitted each month to:

Frank Schaub  
Department of Health Services  
On Site Sewage Disposal Section  
117 Washington Street  
Hartford, CT 06106

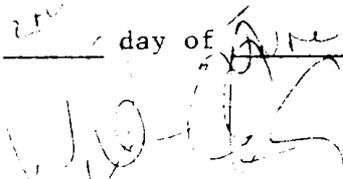
4. Violation of any of the conditions set forth in paragraphs 3.a. through 3.c. inclusive can at the Department's discretion result in a motion for Summary Suspension.

5. He understands that during the period of probation the Department of Health Services may require the town sanitarian or other duly authorized town official in those towns where Respondent has installed, constructed or repaired subsurface sewage disposal systems to provide a report on the quality of Respondent's work.
6. He understands that this Consent Order is a matter of public record.
7. Nothing in this Consent Order shall be construed as limiting the powers of the Department of Health Services pursuant to §4-182c of the Connecticut General Statutes.
8. This Consent Order may be considered as evidence of the admitted violations in any proceeding before the Department of Health Services (1) in which his compliance with this same order is at issue (2) in which his compliance with §20-341f(d) of the General Statutes of Connecticut, as amended, is at issue.
9. This Consent Order and the terms set forth herein are not subject to reconsideration, collateral attack, or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the Connecticut General Statutes, provided that this stipulation shall not deprive him of any other rights that he may have under the laws of the State of Connecticut or of the United States.
10. This Consent Order is effective when accepted and approved by the Department of Health Services.
11. He has consulted with an attorney prior to signing this document.

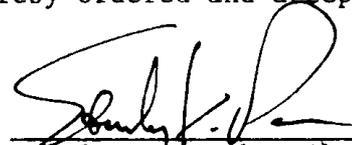
I, Norman Hickey, have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
Norman Hickey

Subscribed and sworn to before me this 25<sup>th</sup> day of June 1987.

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

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Health Services on the 10<sup>th</sup> day of June 1987, it is hereby ordered and accepted.

  
Stanley K. Peck, Director  
Division of Medical Quality Assurance

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