

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In re: Dee C. Cheshire, S.S.I.
Cee Dee Construction
31 Watrous Avenue
Mystic, CT 06355

Petition No. 951025-033-008

CONSENT ORDER

WHEREAS, Dee C. Cheshire, S.S.I. of Mystic, Connecticut (hereinafter "respondent") has been issued license number 001346 to practice subsurface sewage installation and/or cleaning by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 393a of the Connecticut General Statutes, as amended; and,

WHEREAS, the Department alleges that:

1. On or about July 29, 1995, respondent removed a broken septic tank at 68 Drozdyk Drive, Groton, Connecticut (hereinafter "the site") and replaced it with a new tank. Subsequent thereto, respondent attempted to install, repair and/or modify a subsurface sewage leaching system at that address;
2. In the course of the installation of the subsurface sewage system at the site, respondent failed and neglected:
 - (a) to obtain the proper permits from the local director of health prior to starting construction at the site;
 - (b) to notify the local health department at least twenty four (24) hours prior to the commencement of construction;
 - (c) to cover a portion of the septic system at the above address and left exposed a large hole containing raw untreated sewage for approximately one month; and/or,
 - (d) to timely repair the nuisance that he created.

3. In January 1997, respondent installed, repaired and/or modified a subsurface sewage system at 116 Middle Road, Preston, Connecticut (hereinafter "the second site").
4. In the course of the installation, repair and/or modification at the second site, respondent failed and neglected:
 - (a) to obtain the proper permits and/or approval from the local director of health prior to starting construction at the site; and/or,
 - (b) to first obtain a well exception from the Department of Public Health prior to the commencement of construction of said system.
5. The above described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes Section 20-341f(d)(2) and/or (3), taken in conjunction with Connecticut Public Health Code Regulations §§19-13-B103d(a), 19-13-B103e, 19-13-B103e(f)(2), and 19-13-B103c(a),(b),(c) and (f), and 19-13B103d(a)(1), and/or Technical Standards II.

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 a Hearing Officer the above allegations in this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §19a-9, §19a-14, and §20-341f(d)(2) and/or (3) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-341f(d) of the Connecticut General Statutes, as amended, Dee C. Cheshire hereby stipulates and agrees to the following:

1. He waives his right to a hearing on the merits of this case.

2. He shall be assessed a one thousand five hundred dollar (\$1,500.00) civil penalty payable by certified check to "Treasurer, State of Connecticut." Said civil penalty shall accompany the executed Consent Order.
3. His license to practice subsurface sewer installation in Connecticut is hereby suspended until such time that respondent satisfies the following requirements:
 - a. Respondent shall provide proof to the satisfaction of the Department that he has completed coursework. Such coursework shall consist of either the continuing education coursework offered by the Commissioner of the Department of Public Health pursuant to Connecticut Public Health Code Regulation §19-13-B103e(b)(2)(A) or the exam preparation coursework offered by the Connecticut Sewage Disposal Association.
 - b. Respondent shall take and pass the State exam relative to Connecticut General Statutes §20-341e, taken in conjunction with Connecticut Public Health Code Regulations §§19-13-B100, 19-13-B103 and 19-13-B104 and the Technical Standards.
4. Upon satisfactory completion of the terms set forth in paragraphs 3a and b above, the suspension of respondent's license shall terminate, and respondent's license shall be placed on probation for a period of two (2) years under the following terms and conditions:
 - a. Respondent shall comply with all statutes and regulations applicable to his license, including but not limited to:
 - (i) viewing individual plans on file at the local Health Director's office prior to commencing performance on any installation, modification, extraction or repair contract.
 - (ii) acquiring all requisite permits; and,
 - (iii) notifying the local Director of Health or his/her agent twenty-four (24) hours prior to commencing performance on any installation, modification, extraction or repair contract.

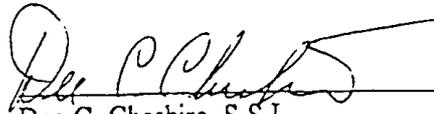
- b. During the period of probation, respondent shall obtain from the local Director of Health or his/her agent and provide to the Department, no less than twenty-four (24) hours prior to commencement of any work at a job site, copies of work permit notices for each and every subsurface sewer installation, modification, extraction and/or repair for which he is responsible.
 - c. During the period of probation, respondent shall obtain written approval notices from the local Director of Health or his/her agent and provide to the Department, no less than one (1) week from the date of receipt of said written approval, copies of such written approval notices for each and every subsurface sewer installation, modification, extraction and/or repair for which he is responsible.
 - d. The local Director of Health or his/her agent shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the local Director of Health or his/her agent in providing such monitoring.
5. All correspondence and reports are to be addressed to:
- Frank A. Schaub, Supervising Sanitary Engineer
Department of Public Health
Division of Environmental Health
410 Capitol Avenue, MS # 51 SEW
P.O. Box 340308
Hartford, CT 06134-0308
6. That he shall comply with all state and federal statutes and regulations applicable to his licensure.
 7. That he understands that this Consent Order is a matter of public record.

- 8 That any alleged violation of any provision of this Consent Order, may result in the following procedures at the discretion of the Department:
- a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Commissioner who shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Commissioner by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
9. That, in the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a subsurface sewer installer or cleaner, upon request by the Department, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation

during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c).

10. That, in the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Commissioner.
11. That legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation.
12. That this Consent Order shall be effective thirty (30) days after it is approved and entered by the Commissioner or his designee.
13. That the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Commissioner in which (1) his compliance with this Consent Order is at issue, or (2) his compliance with §20-341f(d)(2) and/or (3) of the General Statutes of Connecticut, as amended, is at issue.
14. That any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. That 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, that this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General

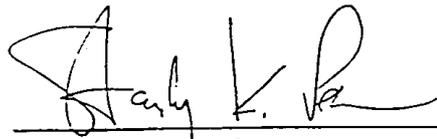
I, Dee C. Cheshire, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Dee C. Cheshire, S.S.I.

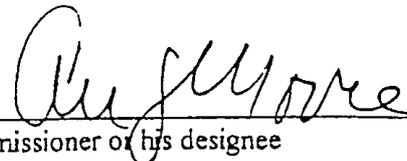
Subscribed and sworn to before me this 21st day of August 1997.


Notary Public or person authorized
by law to administer an oath or affirmation
CYNTHIA D. EVANS
NOTARY PUBLIC
MY COMMISSION EXPIRES SEP. 30, 2000

The above Consent Order having been presented to the duly appointed agent of the Department of Public Health on the 16th day of September 1997, it is hereby accepted.


Stanley K. Peck, Director
Legal Office

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 22nd day of September 1997, it is hereby accepted.


Commissioner or his designee