

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

In re:

William Schwaller

Petition No. 860722-33-004

CONSENT ORDER

WHEREAS, William Schwaller of Shelton, Connecticut has been issued license number I-1382 to practice as a subsurface disposal system installer by the Department of Health Services pursuant to Chapter 393a of the General Statutes of Connecticut, as amended; and

WHEREAS, William Schwaller hereby admits and acknowledges that:

1. On or about 24 April 1987 he repaired a subsurface sewage disposal system at the Molitoris residence in Shelton, Connecticut without properly obtaining a permit prior to the repair.
2. No emergency conditions existed at the time of the repair.
3. He failed to have the repair properly inspected or approved by the town sanitarian or the Naugatuck Valley Health Department.
4. By his actions described in 1. and 3. above he has violated §20-341f of the Connecticut General Statutes and §19-13 B103e of the Public Health Code by failing to conform to the accepted standards of the subsurface sewage disposal system installers profession.

NOW THEREFORE, pursuant to §19a-17 and §20-341f of the Connecticut General Statutes, as amended, William Schwaller hereby stipulates and agrees to the following:

1. That he waives the right to a hearing on the merits of this matter.
2. That he is hereby assessed a civil penalty of \$250.00 for failing to comply with §20-341f of the Connecticut General Statutes. Said fine shall be paid to:

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

A certified check for said amount shall accompany this Consent Order upon execution by the respondent, William Schwaller.

3. That his license, number T-1382, to practice as a subsurface sewage disposal system installer in Connecticut is hereby suspended. The suspension is stayed immediately and he is placed on probation for eighteen months subject to the following terms and conditions:
 - a. he shall not install, construct or repair a subsurface sewage disposal system (1) unless the local town sanitarian or other duly authorized town official has issued a permit to install, construct, or repair the system and (2) he shall ensure proper inspection of 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 every two months to the following two entities:

Richard Werner, Chief
Environmental Health Services
Naugatuck Valley Health District
470 Howe Avenue
Shelton, CT 06484

and

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

4. That violation of any of the conditions set forth in paragraphs 3.a. through 3.b. inclusive can, at the Department's discretion, result in the summary suspension of his license.
5. That this Consent Order is effective when accepted and approved by the Department of Health Services, and the reports shall commence on the first of the following month.
6. That he understands that notice of this Consent Order is a matter of public record.
7. That he understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Department of Health Services (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-341f of the General Statutes of Connecticut, as amended, is at issue.
8. 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 said order is not subject to

appeal under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any rights that he may have under the laws of the State of Connecticut or of the United States.

- 9. That he understands that he has the right to consult with an attorney prior to signing this document.

I, William Schwaller, 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.

William Schwaller

 William Schwaller

Subscribed and sworn to before me this 3rd day of November 1987.

Marian E. Neville

 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 Health Services on the 17th day of March 1987, it is hereby ordered and accepted.

Stanley K. Peck

 Stanley K. Peck, Director
 Division of Medical Quality Assurance

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