

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

In re: Daniel F. Falls, S.S.I.

Petition No. 980720-033-006

CONSENT ORDER

WHEREAS, Daniel F. Falls, of Brookfield, Connecticut (hereinafter "respondent") has been issued license number 001881 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, respondent admits that:

1. In or about June 1998, he was the licensed subsurface sewage disposal system installer at 19 Benedict Road, Bethel, Connecticut (hereinafter "the property").
2. On or about said date, while working as a subsurface sewage disposal system installer at the property, respondent:
 - a. failed to install the northerly half of the main gallery trench system parallel to existing ground contours and instead caused the northerly half of said system to: (i) be installed approximately thirty inches deeper than the approved repair plan; (ii) be placed in soil that had no percolation and (iii) experience pooling of ground water at the bottom of the gallery; and/or
 - b. failed to install the southerly half of the main gallery trench system parallel to existing ground contours and instead caused the southerly half of said system to be installed approximately six to twelve inches deeper than the approved repair plan.

3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-341f(d), taken in conjunction with §§19-13-B103d(b), 19-13-B103e(a)(3) and Technical Standards, Sections VIII(A), VIII(B) and VIII(D) of the Regulations, Connecticut State Agencies.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before 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, 19a-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 001881 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 five hundred dollars (\$500.00) 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 understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in which his compliance with this Consent Order or with §20-341f 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, Daniel F. Falls, 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.

Daniel F. Falls
Daniel F. Falls

Subscribed and sworn to before me this 10th day of June 1999.

Wanda J Reynolds
Notary Public or person authorized
by law to administer an oath or affirmation
my Commission Expires: 7/31/02

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 15th day of June 1999, it is hereby accepted.

Thomas Furgalack
Thomas Furgalack, Director
Division of Environmental Health

s:llf/falls/co
5/99