

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In re: Robert A. Milefski, S.S.I.

Petition No. 971014-033-019

CONSENT ORDER

WHEREAS, Robert A. Milefski of Uncasville, Connecticut (hereinafter "respondent") has been issued license number 002270 to practice as a subsurface sewage disposal system installer 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. In August of 1997, respondent installed a new subsurface sewage disposal system at 93 Music Vale Road in Salem, Connecticut.
2. In the course of installing the subsurface sewage disposal system at the Music Vale Road site, respondent failed to:
 - (a) obtain the proper permits and approvals from the Salem Health Department;
 - (b) provide the required twenty-four hour notification to the Salem Health Department prior to the start of installation; and/or,
 - (c) follow the engineered plan in that he did not install septic gravel, and he did not install the trenches to the planned elevations.
3. In July of 1997, respondent repaired a subsurface sewage disposal system at 3 Rattlesnake Ledge Road in Salem, Connecticut.

4. In the course of repairing the subsurface sewage disposal system at the Rattlesnake Ledge Road site, respondent failed to:
 - (1) obtain the proper permits and approvals from the Salem Health Department;
 - (2) provide the required twenty-four hour notification to the Salem Health Department prior to the start of repair; and/or,
 - (3) leave the required seventy-five feet between this subsurface sewage disposal system and the neighboring well.

5. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-341f, including but not limited to §20-341f(d)(2), and/or §20-341f(d)(3); taken in conjunction with Regulations of Connecticut State Agencies §§19-13-B103d and 19-13-B103e and/or Technical Standards IIA.

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 designated by the Commissioner, 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 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 20-341f 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 shall be suspended until such time as he is released from incarceration and, after such release, until he takes and passes the State exam relative to Connecticut General

Statutes §20-341e, taken in conjunction with Regulations of Connecticut State Agencies §§19-13-B100, 19-13-B103, 19-13-B104 and the applicable Technical Standards.

3. Upon satisfactory completion of the terms set forth in paragraph 2 above, the suspension of respondent's license shall terminate.
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 first day of the month immediately following 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 §20-341e 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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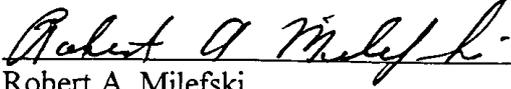
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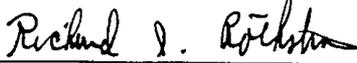
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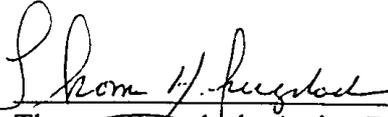
I, Robert A. Milefski, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Robert A. Milefski

Subscribed and sworn to before me this 26 day of MARCH 1998.


Notary Public or person authorized Comm Sup Ct.
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 Public Health on the 2nd day of APRIL 1998, it is hereby accepted.


Thomas Furgalack, Acting Director
Division of Environmental Health

S: sm. Milefski/legal/co. 2/98