

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. 102 104

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

In re: Donald Lapointe, S.S.I.

Petition No. 920714-33-004

CONSENT ORDER

WHEREAS, Donald Lapointe, S.S.I., of Winsted, Connecticut, has been issued subsurface sewage system installer's license number 003567 by the Department of Health Services pursuant to Chapter 393a of the General Statutes of Connecticut, as amended; and

WHEREAS, Donald Lapointe, S.S.I., hereinafter referred to as the Respondent, hereby admits as follows:

1. That on or about June, 1988 respondent contracted with David Luchs, M.D. to repair the subsurface sewage disposal system on a property owned by Dr. Luchs and located at 12 School House Road, Colebrook, Connecticut.
2. It has been alleged that in the course of respondent's work in repairing the aforementioned sewage disposal system, respondent failed to comply with the requirements of the Public Health Code Regulations promulgated pursuant to Connecticut General Statutes, and in particular §19-13-B103e(c), (d), (g) and (j).
3. It has been alleged that respondent's work on said sewage disposal system failed to meet minimum standards for licensed subsurface sewage disposal system installers, in violation of §20-341f(d)(2).
4. That respondent is presently working as a subsurface sewage disposal system installer in the State of Connecticut.

5. That Respondent generally denies the allegations of paragraphs 2. and 3. above, but for the purpose of amicably resolving this matter agrees and consents to the terms of this Consent Order.

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

- A. That he waives his right to a hearing on the merits of this matter;
- B. That he is hereby reprimanded.
- C. That he is ordered to pay a civil penalty of \$250.00 on or by April 30, 1993.
- D. That he understands, agrees and consents that the allegations contained in paragraphs 2. and 3. of this Consent Order may be taken as true for the purposes of this Consent Order, and he hereby waives his right to contest the truth of the same in any subsequent proceeding before the Department of Health Services in which his compliance with Connecticut General Statutes §20-341f, as amended, is at issue.
- E. That he understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Connecticut 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.
- F. 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 or review under the provisions of Chapters 54 or 368a of the General Statutes of

Connecticut, 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.

- G. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department of Health Services at any time prior to its being executed by the last signatory.
- H. That this Consent Order is effective the first day of the next month after which the seal of the last signatory is fixed to this document.
- I. That he has consulted with an attorney prior to signing this document.

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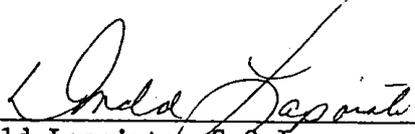
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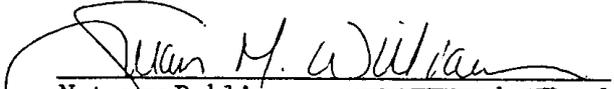
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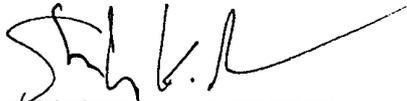
I, Donald Lapointe, S.S.I., have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
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Donald Lapointe, S.S.I.

Subscribed and sworn to before me this 22<sup>nd</sup> day of April 1993.

  
\_\_\_\_\_  
Notary Public or person authorized  
by law to administer an oath or  
affirmation Commissioner of  
the Superior Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Health Services on the 12<sup>th</sup> day of May 1993, it is hereby accepted.

  
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Stanley K. Peck, Director  
Division of Medical Quality Assurance

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