

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

In re: Duncan Downie, S.I.

Petition No. 930408-33-001

CONSENT ORDER

WHEREAS, Duncan Downie, S.I. (hereinafter "respondent"), of Westbrook, Connecticut been issued license number 003589 to practice subsurface sewage disposal system installation by the Department of Public Health and Addiction Services (hereinafter "the Department") pursuant to Chapter 393a of the General statutes of Connecticut, as amended; and

WHEREAS, respondent hereby admits the following:

1. In September 1989, respondent contracted with Michael Augeri to install a subsurface sewage disposal system at 138 Chalker Beach Road in Old Saybrook, Connecticut.
2. Respondent installed the system referenced in Paragraph 1 above.
3. Respondent deviated from the standard of care in his installation of the system in that:
  - (a) he failed to file an application for approval to construct the system with the local health department;
  - (b) he failed to submit a plan of the system for approval;
  - (c) he failed to have a site investigation performed by the local health department; and
  - (d) he failed to file an as-built with the local health department.
4. By the conduct as set forth in paragraph 3 above, respondent has violated the provisions of §20-341f of the Connecticut General Statutes by failing to conform to the accepted standards of his profession.

NOW THEREFORE, pursuant to §19a-17 and §20-341f of the General Statutes of Connecticut, Duncan Downie, S.I. hereby stipulates and agrees to the following:

1. Respondent hereby waives his right to a hearing on the merits of this matter.
2. Respondent is hereby reprimanded.
3. Respondent is hereby subject to a civil penalty in the amount of \$500.00 payable by certified check to "Treasurer, State of Connecticut." Said check should accompany this executed Consent Order.
4. Respondent shall fully comply with all state and federal statutes and regulations applicable to his license.
5. Respondent understands that this Consent Order may be considered as evidence of the above-admitted violations in any proceeding before a duly appointed Hearing Officer (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.
6. 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 Consent 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 other rights that he may have under the laws of the State of Connecticut or of the United States.
7. 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.
8. Respondent understands that he has the right to consult with an attorney prior to signing this document.
9. Respondent understands that this Consent Order is a matter of public record.

nie, 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.

*Duncan Downie*  
Duncan Downie, S.I.

Subscribed and sworn to before me this *21st* day of *April* 1994.

*Paul J. Ciofalo*  
Notary Public or person authorized  
by law to administer an oath or  
affirmation  
*My Com. expires 7/31/96.*

The above Consent Agreement having been presented to the duly appointed agent of the Commissioner of Public Health and Addiction Services on the *24<sup>th</sup>* day of *May* 1994, it is hereby accepted and ordered.

*Stanley K. Peck*  
Stanley K. Peck, Director  
Division of Medical Quality Assurance

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