

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

In re: Drew Glaser, S.S.I.

Petition No. 960730-033-001

CONSENT ORDER

WHEREAS, Drew Glaser of Bethel, Connecticut (hereinafter "respondent") has been issued license number 005133 to install and/or clean subsurface sewage disposal systems 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. On or about July 6, 1996, he was the licensed subsurface sewage installer at 539 Danbury Road, Wilton, Connecticut.
2. On or about said date, while working as a subsurface sewage disposal system installer at 539 Danbury Road, Wilton, Connecticut, respondent:
 - a. failed to supervise the work of an unlicensed worker who caused pre-cast leaching galleries to be back filled with original soil instead of using at least twelve inches of one (1) inch size stone along the sides of the structure to the top of the structure;
 - b. failed to supervise the work of an unlicensed worker who covered the improper fill with one (1) inch size stone giving the appearance of an acceptable installation; and/or,
 - c. employed a worker without the requisite apprentice permit.

3. The above described facts constitute grounds for disciplinary action pursuant to the

General Statutes of Connecticut, §20-341f, including, but not limited to:

- a. §20-341f(d)(1);
- b. §20-341f(d)(2); and/or,
- c. §20-341f(d)(3).

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 the 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 shall pay a civil penalty of one thousand five hundred dollars (\$1, 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.
3. Respondent's license shall be suspended for a period of one (1) year with said suspension immediately stayed.
4. Concurrently, respondent's license shall be placed on probation for a period of one (1) year under the following terms and conditions:

- a. Respondent shall obtain, at his own expense, the services of a supervisor, pre-approved by the Department (hereinafter "supervisor"), to conduct a review of his next three (3) subsurface sewer installations repairs and/or modifications;
 - (1) The supervisor shall have the right to monitor respondent's work by any other reasonable means that he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - (2) Respondent shall be responsible for providing written supervisor reports directly to the Department and local health Departments where such work is performed for each of the three (3) subsurface sewer surface installations. Such supervisor's reports shall include documentation of dates and duration of meetings with respondent, a general description of the work reviewed, documentation that respondent was present and supervising during the installation repair and/or modification of the subsurface sewage systems, additional monitoring techniques utilized, and a statement that respondent completed subsurface sewage work in compliance with all applicable local and state laws and regulations.
- b. Every local Director of Health in such districts in which respondent is conducting business shall be provided with a copy of this Consent Order within fifteen (15) days of its effective date. Such local Director(s) of Health shall provide written confirmation to the Department acknowledging receipt and review of the Consent Order.
- c. Respondent further agrees that if the probationary period has terminated prior to completion of three (3) subsurface sewer installations repairs and/or modifications,

the probationary period shall be extended to ensure completion of same. If the probationary period is extended to comply with this provision, all other terms and conditions of probation shall be extended.

5. All correspondence and reports are to be addressed to:

Frank Schaub, Supervising Sanitary Engineer
Department of Public Health
410 Capitol Avenue, MS #51SEW
P.O. Box 340308
Hartford, CT 06134-0308

6. All reports required by the terms of this Consent Order shall be due within ten business days of completion of work.
7. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
8. Respondent shall pay all costs necessary to comply with this Consent Order.
9. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
- a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) that violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 9a above to demonstrate to the satisfaction of the

Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.

- d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Department by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
10. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from working as a subsurface sewage installer upon request by the Department, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall constitute an admission that this conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).
11. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Department.

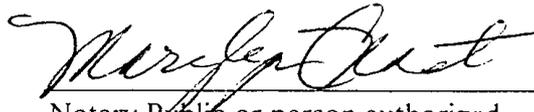
12. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
13. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Department.
14. 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.
15. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
16. 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.
17. 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.
18. 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

I, Drew Glaser, 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.



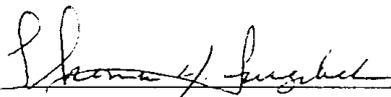
Drew Glaser, S.S.I.

Subscribed and sworn to before me this 10 day of August 1998.

MARILYN C. NAST
NOTARY PUBLIC
MY COMMISSION EXPIRES 2/25/2001


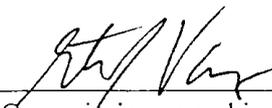
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 13th day of August 1998, it is hereby accepted.



Thomas Furgalack, Director
Division of Environmental Health

The above Consent Order having been presented to the duly appointed designee of the Commissioner on the 2nd day of September 1998, it is hereby ordered and accepted.



Commissioner or his designee,
Stephen Varga, Hearing Officer