

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

In re: David Acheychek

Petition No. 2009-200929

**CONSENT ORDER**

WHEREAS, David Acheychek of Essex, CT (hereinafter "respondent") has been issued license number 005821 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, the Department alleges that:

1. In or about September 2007, respondent was the licensed installer for the repair of a subsurface sewage disposal system (hereinafter, "the system") at 32 Kings Highway, Chester, CT (hereinafter, "the property").
2. On or about September 18, 2007, in connection with the repair of the system at the property, respondent failed to provide a minimum of six (6) inches of soil on the lower trench of the leaching system.
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) of the Regulations of Connecticut State Agencies and/or Section VIII(A) of the Technical Standards.

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 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 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 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 number 005821 to practice as a subsurface sewage disposal system installer in the State of Connecticut is hereby reprimanded.

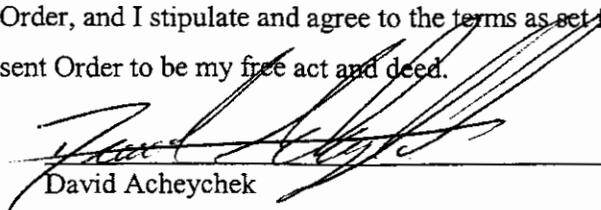
3. Respondent shall pay a civil penalty of four thousand five hundred dollars (\$4,500.00), in three equal installments of one thousand five hundred dollars (\$1,500.00), in accordance with the following schedule: the first installment shall be payable at the time respondent submits the executed Consent Order to the Department; the second installment shall be payable on or before three (3) months from the effective date of the Consent Order; and the final installment shall be payable on or before six (6) months from the effective date of the Consent Order. Respondent shall make each payment by certified or cashier's check payable to "Treasurer, State of Connecticut." Each check shall reference the Petition Number on the face of the check.
4. Respondent's license number 005821 shall be placed on probation until such time as he pays in full the civil penalty provided for in paragraph 3 above.
5. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
6. All correspondence and payments are to be addressed to:

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

7. Respondent shall pay all costs necessary to comply with this Consent Order.
8. 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) which 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 8a 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 within the fifteen (15) days specified 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.

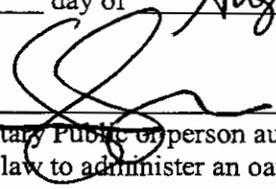
9. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Department.
10. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
11. This Consent Order is effective on the date this Consent Order is accepted by the Department.
12. 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 Chapter 393a of the General Statutes of Connecticut, as amended, is at issue.
13. 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.
14. 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.
15. 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.
16. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch 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.
17. Respondent has the right to consult with an attorney prior to signing this document.
18. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
19. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, David Acheychek, 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.

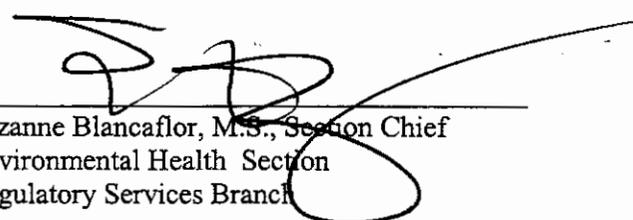
  
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David Acheychek

Subscribed and sworn to before me this 3<sup>rd</sup> day of August 2010.

**Victoria K. Lanier, Esq.**  
**Commissioner of the Superior Court**  
**State of Connecticut**

  
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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 10<sup>th</sup> day of August 2010, it is hereby accepted.

  
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Suzanne Blancaflor, M.S., Section Chief  
Environmental Health Section  
Regulatory Services Branch