

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

In re: Mark Kudlach, Jr.

Petition No. 2009-0403-033-004

CONSENT ORDER

WHEREAS, Mark Kudlach, Jr. of Norwich, CT (hereinafter "respondent") has been issued license number 005896 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, respondent admits that:

1. On or about September 24, 2008, respondent began installing a subsurface sewage disposal system at 85 West Road, Colchester, CT (hereinafter "the property") to replace a system that was failing and/or beyond repair.
2. At that time, prior to initiating said construction work at the property, respondent failed:
 - a. to obtain an approval to construct, in violation of §19-13-B103e of the Regulations of Connecticut State Agencies (hereinafter, "the Regulations");
 - b. to submit a repair plan for the subsurface sewage disposal system to the local director of health, in violation of §§19-13-B103e(e)(1) and/or (2) of the Regulations; and/or
 - c. to notify the local director of health at least twenty-four (24) hours prior to commencement of construction, in violation of §19-13-B103c(f)(2) of the Regulations.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-341f(d), taken in conjunction with, without limitation, §§19-13-B103e, 19-130B103e(e)(1), 19-13-B103e(e)(2) and/or 19-13-B103c(f)(2) of the Regulations.

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 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 five thousand dollars (\$5,000.00) in accordance with the following schedule: two thousand and five hundred dollars shall be payable at the time respondent submits the executed Consent Order to the Department and the balance shall be payable on or before December 31, 2009. 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.
3. Respondent's license number 005896 to practice as a subsurface sewage disposal system installer in the State of Connecticut shall be placed on probation for a period of two (2) years under the following terms and conditions:
 - a. Respondent shall provide the local director of health at each place or district where he practices as a subsurface sewage disposal system installer with a copy of this Consent Order, for the duration of his probation. Respondent shall provide said copy prior to commencing any work in said place or district for the duration of his probation. Such local Director(s) of Health shall provide written confirmation to the Department acknowledging receipt and review of the Consent Order.
 - b. Respondent shall comply with all statutes and regulations applicable to his licensure including, but not limited to:
 - (1) viewing individual plans on file at the office of the local Director of Health prior to commencing performance on any installation, modification, extension or repair contract;
 - (2) acquiring all requisite permits, submitting a plan, and obtaining approval to construct as required by regulation; and,
 - (3) notifying the local Director of Health or his/her agent at least twenty-four (24) hours prior to commencing performance on any installation, modification, extension or repair contract.
 - d. At least forty-eight (48) business hours prior to commencement of any installation, modification, extension, and/or repair for which he is responsible, respondent shall obtain from the local Director of Health or his/her agent and provide to the Department, a copy of the written approval and/or permit to construct issued by the Local Director of Health or his/her agent in accordance with §19a-13-B103e of the Regulations. Respondent shall provide such notification to the Department via facsimile, at 860-509-7295, to the attention of Robert Scully, Supervising Sanitary Engineer.
 - e. Respondent shall notify the Department at least forty-eight (48) business hours prior to commencing any work on any subsurface sewage disposal system for the duration of his probation. Respondent shall provide said notification to the Department via telephone, at 860-509-7296.
4. All correspondence and reports are to be addressed to:

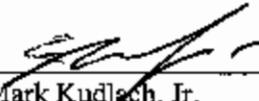
Robert Scully, Supervising Sanitary Engineer
Department of Public Health
410 Capitol Avenue, MS #51SEW
P.O. Box 340308
Hartford, CT 06134-0308

5. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
6. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
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 first day of the month immediately following the date this Consent Order is accepted by the Department.
12. 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 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.

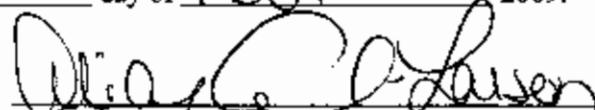
I, Mark Kudlach, Jr., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



 Mark Kudlach, Jr.

Subscribed and sworn to before me this 2 day of Nov, 2009.

Alicyne Gordon-Larson
 Notary Public, Connecticut
 My Commission Expires Dec. 31, 2013



 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 4th day of November 2009, it is hereby accepted.



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



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SECTION
ENVIRONMENTAL ENGINEERING PROGRAM

December 27, 2011

Mark Kudlach, Jr
Saviour Septic, LLC
4 N. 5th Avenue
Taftville, CT 06380

Re: Consent Order – Petition No. 2009-0403-033-004

Dear Mr. Kudlach:

This letter will serve to confirm that you have completed all of the requirements outlined in the Consent Order executed in conjunction with the above-referenced petition. Your sewage system installer's license number 005896 has been removed from probation, and the Consent Order is hereby closed. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert W. Scully".

Robert W. Scully
Supervising Sanitary Engineer
Environmental Engineering Program

Cc: Stephen Dahlem, Environmental Analyst 3, EPLU, DPH

P/RWS/M. Kudlach, Jr Close out



Phone: (860) 509-7296, Fax: (860) 509-7295
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