

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

In re: Alex Cinotti

Petition No. 2000-0821-035-002

**CONSENT ORDER**

WHEREAS, Alex Cinotti of Bristol, CT 06010 (hereinafter "respondent") has been issued license number 000492 to practice as a sanitarian by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 395 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about August 1998, respondent was a sanitarian in Middlefield, CT. As part of his duties as a town sanitarian, respondent was responsible for investigating, inspecting and approving the construction, alteration or repair of subsurface sewage disposal systems.
2. In or about August 1998, respondent was involved with the inspection and approval of a subsurface sewage disposal system repair at 87 Way Road, Middlefield, CT 06455 (hereinafter "the property").
3. On or about said date, in connection with the repair of the subsurface sewage disposal system at the property, respondent:
  - a. failed to obtain a completed application by the property owner or his agent prior to allowing the subsurface sewage disposal system installer to proceed with the septic system repair;

- b. failed to make a written report of his pre-construction site investigation findings, including, but not limited to, soil percolation results, suitability of the site for subsurface sewage disposal and observations of groundwater;
  - c. failed to require a plan for the repair of the subsurface sewage disposal system that contained all of the information necessary to assure compliance with the requirements of Section 19-13-B103d of the Regulations of Connecticut State Agencies (hereinafter "the Regulations")<sup>1</sup>;
  - d. failed to determine that the proposed repair complied with the requirements of Section 19-13-B103d of the Regulations prior to allowing the subsurface sewage disposal system installer to proceed with the repair;
  - e. failed to inspect the septic system after completion of the repair for compliance with the requirements of Section 19-13-B103d of the Regulations and to issue a written final inspection report equivalent to the form specified in the Technical Standards for Subsurface Sewage Disposal Systems (hereinafter "the Technical Standards"), adopted pursuant to Section 19-13-B103d(b) of the Regulations; and
  - f. failed to document all exceptions from the requirements of Section 19-13-B103d of the Regulations on the permit to discharge.
4. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-363, taken in conjunction with §§19-13-B103e(c)(1), 19-13-B103e(d), 19-13-B103e(e), 19-13-B103e(f), 19-13-B103e(g) and 19-13-B103e(h)(3) of the Regulations.

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<sup>1</sup> The Regulations of Connecticut State Agencies pertaining to subsurface sewage disposal systems were amended subsequent to the date of respondent's alleged misconduct. Unless otherwise noted, all citations to said the regulations will be to those in effect in August 1998.

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 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 20-363 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-363 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 000492 to practice as a sanitarian in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00) 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.
4. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective on the date this Consent Order is accepted and ordered by the Department.
7. 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 395 of the General Statutes of Connecticut, as amended, is at issue.
8. 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.

9. 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.
10. 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 Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
11. Respondent has the right to consult with an attorney prior to signing this document.

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I, Alex Cinotti, 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.

Alex Cinotti  
Alex Cinotti

Subscribed and sworn to before me this 16<sup>th</sup> day of Feb 2001.

Marie Compton  
Notary Public or person authorized  
by law to administer an oath or affirmation  
March 16, 2002

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 26<sup>th</sup> day of February 2001, it is hereby accepted.

Thomas H. Furgalack  
Thomas H. Furgalack, Director  
Division of Environmental Health

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