

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

In re: New England Environmental, Inc.

Petition No. 980610-000-008

**CONSENT ORDER**

WHEREAS, Robert Roberts, President of New England Environmental, Inc. (hereinafter "respondent") has been issued license number AC001196B to practice as a lead abatement contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400c of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. On or about January 14, 1998, his firm was the licensed lead abatement contractor at 112-114 Evergreen Street, Hartford, Connecticut (hereinafter "the Evergreen Residence").
2. On or about said date, while his firm was working as a licensed lead abatement contractor at the Evergreen Residence, respondent employed two workers who performed lead abatement activities without the requisite lead abatement worker and/or lead abatement supervisor certificates.
3. On or about May 28, 1998, his firm was the licensed lead abatement contractor at 23-25 Bodwell Street, Hartford, Connecticut (hereinafter "the Bodwell Residence").
4. On or about said date, while his firm was working as a licensed lead abatement contractor at the Bodwell Residence, respondent:
  - a. employed a worker who performed lead abatement activities without the requisite lead abatement worker certificate; and

- b. failed to erect proper exterior containment using polyethylene sheeting to prevent the release of lead into the environment.
5. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-481.

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 of Public Health (hereinafter "the Department"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-17 and 20-481 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 20-481 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 AC001196B to practice as a lead abatement contractor in the State of Connecticut is hereby reprimanded.
3. 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.
4. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure, including, but not limited to:
  - a. verifying the certification status of all affiliated lead abatement workers and/or supervisors;

- b. causing all affiliated lead abatement personnel to properly contain the exterior areas of any structure to prevent the release of lead into the environment while conducting exterior lead abatement;
  - c. causing only certified lead abatement personnel to apply a liquid lead encapsulant product authorized by the Department for the abatement of toxic levels of lead; and,
  - d. causing said encapsulant to be applied in a manner which complies with the appropriate standards (e.g. dry product thickness) established by the American Society for Testing and Materials and with the manufacturer's instructions.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective after the last signatory is fixed to this document.
7. 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 §20-481 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, Robert Roberts, President of New England Environmental, Inc., have read the above Consent Order, and I affirm that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind New England Environmental, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



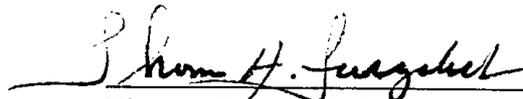
Robert Roberts, President  
New England Environmental, Inc.

Subscribed and sworn to before me this 7<sup>th</sup> day of October 1998.



~~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 22<sup>nd</sup> day of October 1998, it is hereby accepted.



Thomas Furgalack, Director  
Division of Environmental Health