

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

In re: J.D. Environmental, L.L.C.

Petition No. 2007-0713-052-003

CONSENT ORDER

WHEREAS, J.D. Environmental, L.L.C. of Hamden, CT (hereinafter "respondent") has been issued license number 002139 to practice as a lead abatement/consultant contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400c of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. On or about January 30, 2008, the Department audited respondent's records of lead risk assessment inspections performed over the calendar years 2003 through 2007. Said audit revealed that respondent:
 - a. routinely failed to maintain inspection data, including laboratory test results, as required by §20-478-2(a) of the Regulations of Connecticut State Agencies (hereinafter, "the Regulations"); and/or
 - b. routinely failed to report findings of toxic levels of lead to the Commissioner of the Department and/or on the inspection form prescribed by the Department, as required by §19a-111-3(d) of the Regulations.
2. 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 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 and 19a-14 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-481 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 002139 to practice as a lead abatement/consultant contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two thousand dollars (\$2,000.00) 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's license shall be placed on probation for a period of three (3) years under the following terms and conditions:
 - a. Respondent shall provide monthly written reports to the Department in accordance with the following:
 - (1) Each report shall identify the address of the property where respondent has performed lead abatement/consultant contracting services during the reporting period, as well as a description of the specific service(s) provided for each address, the name and address of the person(s) for who each service is being performed and a statement regarding the status of any active abatement projects.
 - (2) If respondent has finalized any lead abatement plans for any property identified on a monthly report, respondent shall file a copy of said abatement plan(s) simultaneously with the monthly report.
 - (3) If respondent has finalized any lead risk assessment report for any property identified on a monthly report, respondent shall simultaneously file with the monthly report a copy of said assessment(s), together with copies of the underlying inspection data (including all laboratory results).
 - b. The Department reserves the right to request any additional information or documentation from respondent concerning any lead abatement/consultant contracting services described in any written report provided by respondent. Respondent shall be responsible for providing such information or documentation, as the case may be, within seven (7) days of the date the Department makes any such request.
5. All correspondence and reports are to be addressed to:

Yolanda Cooley, Environmental Analyst
Department of Public Health
410 Capitol Avenue, MS #51EHS
P.O. Box 340308
Hartford, CT 06134-0308
6. 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.
7. Respondent shall comply with all state and federal statutes and regulations applicable to its 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) 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 9a above to demonstrate to the satisfaction of the Department that it has complied with the terms of this Consent Order or, in the alternative, that it 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, it 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, said violation may also constitute grounds for the Department to seek a summary suspension of its license before the Department.
 11. 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.
 12. This Consent Order is effective on the date this Consent Order is accepted by the Department.
 13. 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 its compliance with this Consent Order or with §19a-11c and/or Chapter 400c of the General Statutes of Connecticut, as amended, is at issue.
 14. 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.
 15. 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 it may have under the laws of the State of Connecticut or of the United States.
 16. 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.
 17. 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.
 18. Respondent has the right to consult with an attorney prior to signing this document.

19. 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.
20. 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.

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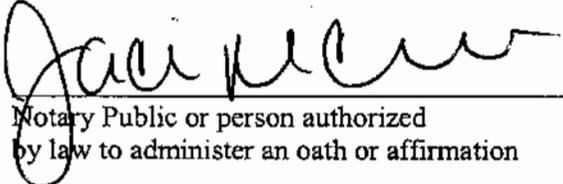
I, Janet Dorr, Member and General Manager of J.D. Environmental, L.L.C., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said limited liability company to the terms as set forth herein. I hereby stipulate and agree to bind J.D. Environmental, L.L.C. to the terms as set forth in this Consent Order. I further declare the execution of this Consent Order to be my free act and deed.



Janet Dorr, Member and General Manager

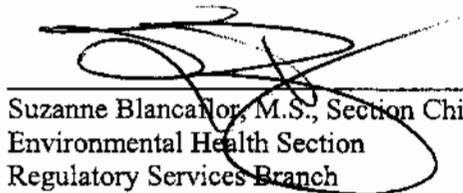
Subscribed and sworn to before me this 16 day of NOV. 2009.





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 24th day of November 2009, it is hereby accepted.



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