

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

In re: Asbestos Removal & Construction Services, Inc.

Petition No. 20000327-053-011

**CONSENT ORDER**

WHEREAS, Asbestos Removal & Construction Services, Inc. of Burlington, CT (hereinafter "respondent") has been issued license number 000003 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about May 1999, respondent was the licensed asbestos contractor for an asbestos abatement project at 50 Salmon Kill Road, Salisbury, CT (hereinafter "the property"). Said project involved the removal of approximately 67 square feet of asbestos pipe insulation and 16 square feet of asbestos boiler insulation from the basement of a residence on the property.
2. On or about May 20, 1999, during a Department inspection of the asbestos abatement project at the property, respondent:
  - a. dismantled the worker decontamination shower and waste water filtration system for the shower before final cleaning of the work area was complete and before a licensed asbestos consultant had performed a visual inspection and reoccupancy air sampling in the work area; and

- b. applied spray paint as an encapsulant on the nuts, bolts and/or header on the boiler before these surfaces were inspected by a licensed asbestos consultant and found to be free of all visible residue.
1. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-5(c), 19a-332a-6, 19a-332a-7(c) and 19a-332a-18(e) of the Regulations of Connecticut State Agencies.<sup>1</sup>

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 Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

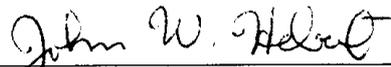
1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 000003 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two thousand and one hundred dollars (\$2,100.00) by certified 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.

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<sup>1</sup> The Regulations of Connecticut State Agencies were amended subsequent to the date of the violations alleged by the Department with respect to respondent's work at the property. Unless otherwise noted, all references are to those Regulations in effect on the date of the Department's inspection.

4. Respondent shall comply with all state and federal statutes and regulations applicable to its 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 its compliance with this Consent Order or with Chapters 400a or 3681 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 it 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.

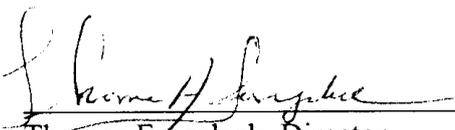
I, John W. Hebert, President of Asbestos Removal & Construction Services, Inc., have read the above Consent Order, and I affirm that I am fully authorized and empowered to bind said corporation. I hereby stipulate and agree to bind Asbestos Removal & Construction Services, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
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John W. Hebert, President

Subscribed and sworn to before me this 14<sup>th</sup> day of June 2000.

  
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Notary Public or person authorized  
by law to administer an oath or affirmation  
*Division of Environmental Health*

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 12<sup>th</sup> day of June 2000, it is hereby accepted.

  
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Thomas Furgalack, Director  
Division of Environmental Health