

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
REGULATORY SERVICES BRANCH

In re: Asbestos Removal and Construction  
Services, Inc.

Petition No. 2010-17

CONSENT ORDER

WHEREAS, Asbestos Removal and 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 June 2010, respondent performed an asbestos abatement project in connection with the renovation of Grace Baptist Church in Bristol, CT (hereinafter "the property"). Said project involved the removal of asbestos containing floor tile and mastic.
2. On or about June 11, 2010, in connection with the asbestos abatement project at the property, respondent:
  - a. failed to cover all wall surfaces in the work area with two (2) layers of polyethylene sheeting, as required by §19a-332a-5(e) of the Regulations of Connecticut State Agencies (hereinafter, "the Regulations"), in that wall surfaces in the alcoves and/or vestibules were covered with a single layer of polyethylene sheeting;
  - b. failed to restrict work area access to authorized personnel afforded proper respiratory protection and protective clothing, as required by §19a-332a-5(f) of the Regulations, in that two (2) individuals were in the work area without respiratory protection and protective clothing;
  - c. failed to use a sufficient number of negative pressure ventilation units to allow at least one (1) work place air change every fifteen (15) minutes, as required by §19a-332a-5(h) of the Regulations, in that the work area required two (2) ventilation units and only one (1) unit was installed;
  - d. failed to filter waste water using best available technology prior to discharge, as required by §19a-332a-5(i) of the Regulations, in that there was no water filtration system installed in the worker decontamination system; and/or
  - e. failed to ensure that no person leave the work area unless first decontaminated by showering, wet washing or high efficiency particulate air vacuuming, as required by §19a-332a-6(b) of the Regulations, in that two (2) individuals exited the work area without decontaminating.
3. The above described facts constitute grounds for disciplinary action pursuant to, without limitation, 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(e), 19a-332a-5(f), 19a-332a-5(h), 19a-332a-5(i), 19a-332a-6(b) and/or 20-440-6(b) of the Regulations.

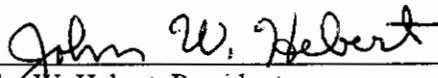
WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if 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 and 19a-17 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 four thousand and seven hundred and fifty dollars (\$4,750.00) 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 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 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 368l 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. Respondent understands that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. 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.

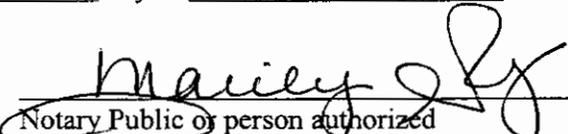
- 10. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
- 11. Respondent has the right to consult with an attorney prior to signing this document.
- 12. 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.
- 13. 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, John W. Hebert, President of Asbestos Removal & Construction Services, Inc., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. 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.

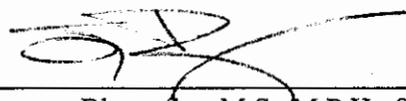
  
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 John W. Hebert, President

Subscribed and sworn to before me this 14 day of December 2010.

**MARILYN A. PERZAN**  
**NOTARY PUBLIC**  
**STATE OF CONNECTICUT**  
**MY COMMISSION EXPIRES FEB. 28, 2013**

  
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 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 16th day of December 2010, it is hereby accepted.

  
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 Suzanne Blancalor, M.S., M.P.H., Section Chief  
 Environmental Health Section  
 Regulatory Services Branch