

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
REGULATORY SERVICES BRANCH

In re: Abatement Industries Group, Inc. d.b.a  
A.I.G. Corporation

Petition No. 2005-0427-053-005

CONSENT ORDER

WHEREAS, Abatement Industries Group, Inc., doing business as A.I.G. Corporation, of West Haven, CT (hereinafter "respondent") has been issued license number 000026 to practice as an asbestos abatement 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 the winter of 2004, respondent was the licensed asbestos abatement contractor for an asbestos abatement project involving multiple apartment buildings known as the Groton Townhouse Apartments on Litton Avenue in Groton, CT. Said project involved the removal of asbestos containing pipe insulation and/or debris from the basement and/or crawl space areas of multiple apartment buildings.
2. In connection with the asbestos abatement project described in paragraph 1 above, respondent:
  - a. failed to notify the Commissioner of the Department in the manner required by §19a-332a-3(a) of the Regulations of Connecticut State Agencies (hereinafter "the Regulations") in that:
    - (i) the Department never received a notification for the apartment building at 119-125 Litton Avenue; and/or

- (ii) the Department did not receive a notification that was postmarked at least ten (10) days before the start of asbestos abatement for the apartment buildings located at 17-23, 25-31, 95-101, and 103-109 Litton Avenue; and/or
- b. respondent applied for, and was granted, approval for an alternative work practice for 114-124 Litton Avenue and for 73-79 Litton Ave. Each of those two approved applications allowed for the use of air-tight barriers (as described in §19a-332a-5(c) of the Regulations) and a single layer of six (6) mil polyethylene sheeting placed underneath the pipe insulation prior to removal, in lieu of the requirements of §19a-332a-5(e) of the Regulations (which generally require that all floor and wall surfaces be covered with two (2) layers of polyethylene sheeting, with all seams and joints sealed). Subsequently, respondent performed asbestos abatement using said alternative work practices at the following additional locations, without having applied for or having received approval to use an alternative work practice, as required by §19a-332a-11 of the Regulations: 17-23, 25-31, 49-55, 57-63, 65-71, 95-101, 102-112, 119-125, 127-133, 42-52, 54-64, 66-76, 90-100, 103-109, 119-125 and 194-204 Litton Avenue.
3. The above described facts constitute grounds for disciplinary action pursuant to, without limitation, Chapter 400a and §§19a-332, 19a-332a(b) and 19a-332b of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-3(a), 19a-332a-11 and 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 000026 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two thousand five hundred dollars (\$2,500.00) 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 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

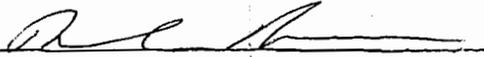
Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.

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 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.
13. Respondent understands that the purpose of this agreement is to resolve the pending matter against its license and is not intended to affect any claim of civil liability that might be brought against it.

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I, Michael Bannon, President of Abatement Industries Group, Inc., doing business as A.I.G. Corporation, have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said corporation. I hereby stipulate and agree to bind Abatement Industries Group, Inc., doing business as A.I.G. Corporation, to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
Michael Bannon, President

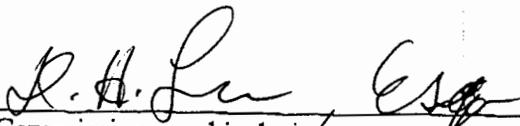
Subscribed and sworn to before me this 27 day of November 2006.

  
Notary Public or person authorized  
by law to administer an oath or affirmation  
My Commission Expires Nov. 30, 2008

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 28<sup>th</sup> day of November 2006, it is hereby accepted.

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

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 29<sup>th</sup> day of November 2006, it is hereby ordered and accepted.

  
Commissioner or his designee  
Hearing Officer