

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

In re: Petco Insulation Co., Inc.

Petition No. 2004-1005-053-009

**CONSENT ORDER**

WHEREAS, Petco Insulation Co., Inc. of West Haven, CT (hereinafter "respondent") has been issued license number 000036 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 December 2003, respondent was the licensed asbestos contractor for an asbestos abatement project at West Hills Elementary School, 311 Valley Street, New Haven, CT (hereinafter "the property"). Said project involved the removal of approximately 4,300 square feet of asbestos containing floor tile.
2. On or about December 26, 2003, in connection with the asbestos abatement project at the property, respondent:
  - a. failed to comply with the alternative work practice procedure(s) approved by the Department, in accordance with §19a-332a-11 of the Regulations of Connecticut State Agencies (hereinafter "RCSA"), in that the single layer of wall polyethylene sheeting was breached in at least two locations by electrical cords and there was a breach in wall polyethylene sheeting covering a chalkboard;

- b. failed to cover all non-moveable objects in the work area, in violation of §19a-332a-5(d) of the RCSA, in that a pencil sharpener was exposed;
  - c. failed to properly construct and/or maintain a worker decontamination system, in violation of §19a-332a-6(a) of the RCSA, in that the shower handles were stripped and the shower head was missing;
  - d. failed to restrict work area access to authorized personnel afforded proper respiratory protection, in violation of §19a-332a-5(f) of the RCSA, in that a partially consumed bottle of drinking water was in the work area;
  - e. failed to use clean-up procedures involving high efficiency particulate air (hereinafter "HEPA") filtered vacuuming and/or wet cleaning techniques, in violation of §19a-332a-5(g) of the RCSA, in that no HEPA filtered vacuums were on site and dry brooms and fox-tails were in the work area; and/or
  - f. failed to properly construct and/or maintain the waste load-out chamber, in violation of §19a-332a-6 of the RCSA, in that air-locks were missing, waste bags were not being wet washed or HEPA vacuumed and doorways at each end of the chamber were not protected with two (2) overlapping layers of polyethylene sheeting.
3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400 a and §§19a-332 and 19a-332a of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-5(d), 19a-332a-5(f), 19a-332a-5(g), 19a-332a-6, 19a-332a-11 and 20-440-6(b) of the RCSA.

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 000036 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of six thousand dollars (\$6,000.00) 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 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. 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 Healthcare Systems 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.

\*

\*

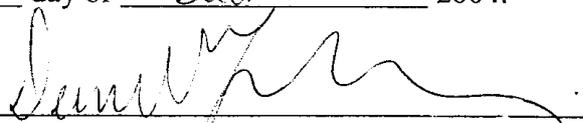
\*

I, Edward Petrucci, President of Petco Insulation Co., Inc., have read the above Consent Order, and I represent and warrant that I am fully authorized to bind said company. I hereby stipulate and agree to bind Petco Insulation Co., Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Edward Petrucci, President

Subscribed and sworn to before me this 29<sup>th</sup> day of December 2004.



Notary Public ~~or person authorized~~  
by law to administer an oath or affirmation

**DENISE M. DEFELICE**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES MAR. 31, 2005

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 13<sup>th</sup> day of January 2004<sup>5</sup>, it is hereby accepted.



Ellen Blaschinski, Director  
Division of Environmental Health  
Bureau of Regulatory Services

s:llf/Petco.04