

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

In re: Incor Group, Inc.

Petition No. 2002-1204-053-020

**CONSENT ORDER**

WHEREAS, Incor Group, Inc. of West Haven, CT (hereinafter "respondent") has been issued license number 000053 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, respondent admits that:

1. In or about June 2002, respondent was the licensed asbestos contractor for an asbestos abatement project at The New Milford Hospital, 21 Elm Street, New Milford, CT (hereinafter, "the property"). Said project involved the removal of approximately 600 square feet of asbestos containing floor tiles and floor tile mastic.
2. On or about June 21, 2002, in connection with the asbestos abatement project at the property, respondent:
  - a. failed to properly isolate the work area from the non-work areas with airtight barriers attached securely in place, as required by §19a-332a-5(c) of the Regulations of Connecticut State Agencies (hereinafter, "RCSA"), in that a Department investigator observed a breach at the location where an exhaust hose exited the work area into an occupied lunch room. In addition, a Department investigator observed a breach at the location where the worker decontamination unit joined the entrance to the work area;

- b. failed to properly label all containers holding asbestos waste with applicable generator information, as required by §19a-332a-5(k) of the RCSA; and/or
  - c. failed to have an asbestos consultant visually inspect all surfaces that have been stripped of asbestos containing material and make a finding that said surfaces are free of all visible residue before applying encapsulant, as required by §19a-332a-7(c) of the RCSA.
3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 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-5(k), 19a-332a-7(c) and 20-440-6(b) of the RCSA.

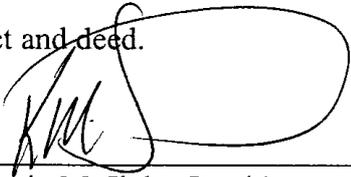
WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 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:

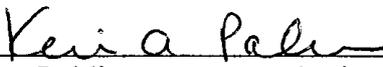
1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 000053 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two thousand and two hundred dollars (\$2,200.00) by certified 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 understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any 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.

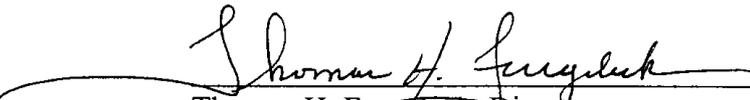
I, Kevin M. Jinks, President of Incor Group, Inc., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind Incor Group, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
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Kevin M. Jinks, President

Subscribed and sworn to before me this 11<sup>th</sup> day of February 2003.

  
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Notary Public or person authorized  
by law to administer an oath or affirmation  
**KARI A. PALA**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES JULY 31, 2008

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 19<sup>th</sup> day of February 2003, it is hereby accepted.

  
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Thomas H. Furgalack, Director  
Division of Environmental Health  
Bureau of Regulatory Services

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