

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

In re: Michael R. Mader

Petition No. 2001-0417-053-009

CONSENT ORDER

WHEREAS, Michael R. Mader, doing business as Michael R. Mader Company, of Waterford, CT (hereinafter "respondent") has been issued license number 000065 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 September 2000, respondent was the licensed asbestos contractor for an asbestos abatement project at 14 Bailey Road, Old Lyme, CT (hereinafter "the property"). Said project involved the removal of asbestos containing floor covering and duct insulation in connection with the demolition of a house on the property.
2. On or about September 28, 2000, in connection with the asbestos abatement project at the property, respondent:
 - a. failed to post asbestos warning signs at all approaches to the work area(s);
 - b. failed to utilize clean up procedures, involving high efficiency particulate air (hereinafter "HEPA") filtered vacuuming and wet cleaning techniques, until no visible residue is observed in the work area(s). A Department investigator observed visible debris and residue in the basement, first floor and second floor work areas. In addition, a Department investigator collected four (4) samples of insulation debris, which tested positive for asbestos;

- c. failed to provide negative pressure ventilation units with HEPA filtration (hereinafter “units”) in sufficient number to allow at least one work place air change every fifteen minutes, in that a Department investigator did not observe any units in the work areas; and
 - d. failed to comply with the reoccupancy criteria in §19a-332a-12 of the Regulations of Connecticut State Agencies.
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 the Regulations of Connecticut State Agencies §§19a-332a-1, 19a-332a-2, 19a-332a-5(a), 19a-332a-5(g), 19a-332a-5(h), 19a-332a-12(a), 19a-332a-12(b), 20-440-1, and 20-440-6(b).

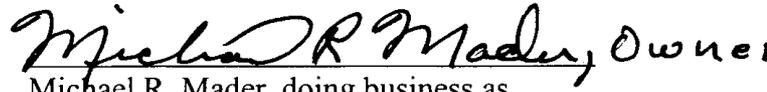
WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, as alleged or otherwise, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall be admitted into evidence as a Department exhibit and without objection by respondent.

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:

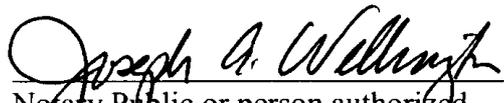
1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent shall pay a civil penalty of one-thousand dollars (\$1, 000.00) by certified or cashier’s check payable to “Treasurer, State of Connecticut.” The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.

3. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
4. Respondent shall pay all of his costs necessary to comply with this Consent Order.
5. This Consent Order is effective on the date this Consent Order is accepted by the Department.
6. Respondent agrees that this Consent Order shall be deemed a public document, and that in any subsequent proceeding before the Department in which his compliance with Chapters 400a or 3681 of the General Statutes of Connecticut, as amended, is at issue, this Consent Order will be admissible in any such proceeding for consideration by the duly authorized hearing officer, board, or commission, as the case may be, in determining what disciplinary action, if any, should be imposed in such proceeding.
7. 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 he may have under the laws of the State of Connecticut or of the United States.
8. 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.
9. 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.
10. Respondent has the right to consult with an attorney prior to signing this document.

I, Michael R. Mader, doing business as Michael R. Mader Company, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Michael R. Mader, doing business as
Michael R. Mader Company

Subscribed and sworn to before me this 3rd day of October 2001.


Notary Public or person authorized
by law to administer an oath or affirmation
Commissioner of Superior Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 17th day of October 2001, it is hereby accepted.


Thomas H. Furgalack, Director
Division of Environmental Health