

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In re: Carl Begley d/b/a **C & D Enterprises**

Petition No. 990421-053-003

CONSENT ORDER

WHEREAS, Carl Begley d/b/a C & D Enterprises of Wolcott, Connecticut (hereinafter "respondent") has been issued license number 000088 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, respondent admits that:

1. In or about April 1999, he was the licensed asbestos abatement contractor for an asbestos abatement project conducted in a residential building formerly located at 824-826 Kossuth Street, Bridgeport, Connecticut (hereinafter "the building"). The asbestos abatement project was conducted in connection with a demolition of the building ordered by the City of Bridgeport, Connecticut.
2. On or about April 15, 1999, respondent filed an asbestos abatement notification form with the Department for the asbestos abatement work he performed at the building. Said notification form was filed with the Department seven (7) days after the asbestos abatement work was begun in the building and one (1) day after the work was completed in the building.
3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with

§§19a-332a-1, 19a-332a-2, 19a-332a-3 and/or 19a-332a-18(e) of the Regulations, Connecticut State Agencies (hereinafter "the Regulations"). The Regulations were amended subsequent to respondent's violations. Unless otherwise noted, all references are to those Regulations in effect on the date of violation.

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 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 his right to a hearing on the merits of this matter.
2. Respondent's license number 000088 to practice as an asbestos abatement contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two-hundred and fifty dollars (\$250.00) 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 his licensure including, but not limited to notifying the department of each asbestos abatement in accordance with the requirements of §19a-332a-3 of the Regulations.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective on the day it is approved and entered by the Department.

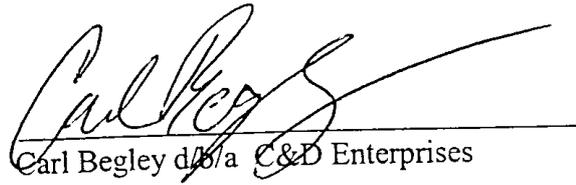
7. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in which his compliance with this Consent Order or with Chapter 400a of the General Statutes of Connecticut, as amended, is at issue.
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 he 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 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.
11. Respondent has the right to consult with an attorney prior to signing this document.

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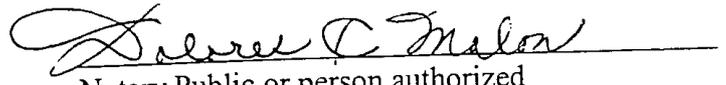
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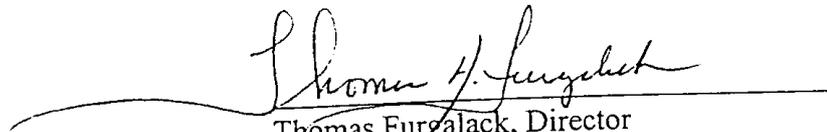
I, Carl Begley d/b/a C & D Enterprises, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Carl Begley d/b/a C&D Enterprises

Subscribed and sworn to before me this 28th day of October 1999.


Notary Public or person authorized
by law to administer an oath or affirmation
~~My Commission Expires November 30, 2000~~

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 10th day of November 1999, it is hereby accepted.


Thomas Furgalack, Director
Division of Environmental Health

s:llf/begley.co
10/99