

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

In re: Roger P. Jacques d/b/a Action Asbestos

Petition No. 2001-0423-053-010

CONSENT ORDER

WHEREAS, Roger P. Jacques d/b/a Action Asbestos of Uncasville, CT (hereinafter "respondent") has been issued license number 000096 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 144 Linwood Avenue, Colchester, CT (hereinafter "the property"). Said project involved the removal of asbestos containing floor covering and asbestos containing window glazing compound in connection with the demolition of a house on the property.
2. On or about September 18, 2000, in connection with the asbestos abatement project at the property, respondent:
 - a. failed to notify the Department of all of the asbestos containing materials to be removed by respondent from the house on the property and to pay the requisite statutory notification fee in that respondent's notification to the Department did not include the asbestos containing window glazing compound;
 - b. failed to post asbestos warning signs at all approaches to the work area(s);

- c. failed to properly isolate the work area(s) from non-work area(s) with airtight barriers in that a Department investigator observed that some of the wall polyethylene sheeting had collapsed and a first floor work area was not sealed airtight at the front and rear entrances and at several windows;
 - d. failed to provide negative pressure ventilation units with high efficiency particulate air filtration (hereinafter "units") in sufficient number to allow at least one work place air change every fifteen minutes, in that a Department investigator observed only one (1) unit on site that was not operating; and
 - e. failed to place the asbestos waste in a leak-tight container that was properly labeled for disposal in that the waste dumpster was not labeled with asbestos warning signs.
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-332-1, 19a-332a-2, 19a-332a-3, 19a-332a-5(a), 19a-332a-5(c), 19a-332a-5(h), 19a-332a-5(k), 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, 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 his right to a hearing on the merits of this matter.
2. Respondent's license number 000096 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.

3. Respondent shall pay a civil penalty of one thousand six hundred dollars (\$1,600.00) 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.
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 his 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 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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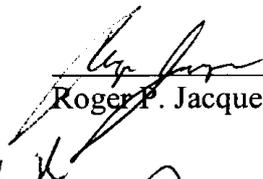
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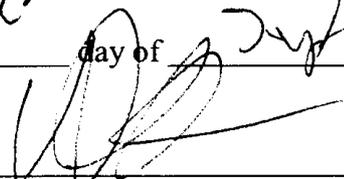
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I, Roger P. Jacques d/b/a Action Asbestos, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Roger P. Jacques d/b/a Action Asbestos

Subscribed and sworn to before me this _____ day of September 2001.

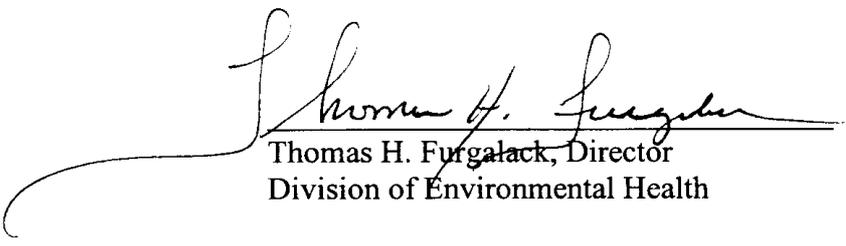


Notary Public or person authorized
by law to administer an oath or affirmation

*Commissioner
of the
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 14th day of

September 2001, it is hereby accepted.



Thomas H. Furgalack, Director
Division of Environmental Health

s:llf/Jacques/CO.doc
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