

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

In re: Murdock Asbestos & Deleading, Inc.

Petition No. 2010-20

CONSENT ORDER

WHEREAS, Murdock Asbestos & Deleading, Inc. of Branford, CT (hereinafter "respondent") has been issued license number 000098 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. On or about January 21, 2010 and for several years prior to said date, respondent improperly stored asbestos waste from multiple asbestos abatement projects respondent performed during said time period at 41 High Street, West Haven, CT (hereinafter "the property"). Said asbestos waste included significantly deteriorated bags, used polyethylene sheeting and/or loose asbestos materials stored in one or more box trailers, trucks or open dumpsters on the property, as well as waste bags stored, in piles approximately six (6) to ten (10) feet high, throughout an approximately 2,000 square foot garage portion of a building located on the property.
2. The improperly stored asbestos waste described in paragraph 1 above, included asbestos containing waste that was not adequately wetted with an amended water solution and/or placed in leak-tight containers, in violation of Section 19a-332a-5(j) of the Regulations of Connecticut State Agencies (hereinafter "the Regulations"), as well as asbestos containers that were not labeled in accordance with the requirements of Section 19a-332a-5(k) of the Regulations;
3. The above described facts constitute grounds for disciplinary action pursuant to, without limitation, Chapter 400a and §19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-5(a), 19a-332a-5(j), 19a-332a-5(k), and/or 20-440-6(b) of the Regulations.

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 000098 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of twenty thousand dollars (\$20,000.00), in accordance with the following schedule: an initial installment of ten thousand dollars (\$10,000.00) shall be due at the time respondent submits the executed Consent Order to the Department; a second installment of five thousand dollars (\$5,000.00) shall be due on or before May 1, 2012 and a final installment of five thousand dollars (\$5,000.00) shall be due on or before July 1, 2012. Respondent shall make each payment by certified or cashier's check payable to "Treasurer, State of Connecticut." Each check shall reference the Petition Number on the face of the check.
4. Respondent's license shall be suspended for a period of three (3) months, commencing on the effective date of this Consent Order. All three originals of respondent's license shall be provided to the Department on or before the effective date of this Consent Order.
5. Following said suspension, respondent's license shall be placed on probation for a period of six (6) months under the following terms and conditions:
 - a. Respondent shall furnish the Department, by no later than forty-five (45) days following the completion of each asbestos abatement project it performs during the probationary period complete copies of all waste record(s) that confirm the disposal of all asbestos waste generated on each such asbestos abatement project(s) at an authorized asbestos disposal facility. Such waste record(s) shall be in compliance with the requirements specified in Section 19a-332a-4(b)(4) and/or 19a-332a-4(b)(8) of the Regulations of Connecticut State Agencies.
 - b. Respondent shall send copies of all waste records required under paragraph 5(a) above to the address identified in paragraph 6 below.
 - c. For the purpose of this paragraph 5, "asbestos abatement project" shall have the meaning given in Section 19a-332a-1(e) of the Regulations of Connecticut State Agencies.
6. All correspondence and reports are to be addressed to:

Ronald Skomro, Supervising Environmental Analyst
Department of Public Health
410 Capitol Avenue, MS #51A1R
P.O. Box 340308
Hartford, CT 06134-0308

7. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
8. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
9. Respondent shall pay all costs necessary to comply with this Consent Order.
10. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 10a above to demonstrate to the satisfaction of the Department that it has complied with the terms of this Consent Order or, in the alternative, that it has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, it shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Department by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
11. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of its license before the Department.
12. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
13. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted by the Department.
14. 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 368f of the General Statutes of Connecticut, as amended, is at issue.
15. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.

16. 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. Respondent understands that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. 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.
17. 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.
18. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch 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.
19. Respondent has the right to consult with an attorney prior to signing this document.
20. 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. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
21. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

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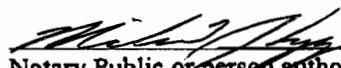
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I, Glenn J. Murdock, President of Murdock Asbestos & Deleading, Inc., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Glenn J. Murdock, President

Subscribed and sworn to before me this 23 day of December 2011.

 exp 9-30-13

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

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 23 day of January ²⁰¹² ~~2011~~, it is hereby accepted.



MS, MPH
Suzanne Blancaflor M.S., M.P.H. Section Chief
Environmental Health Section
Regulatory Services Branch