

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

In re: Astech-Marmon, Inc.

Petition No. 2010-09

CONSENT ORDER

WHEREAS, Astech-Marmon, Inc. of Bridgeport, CT (hereinafter "respondent") has been issued license number 000181 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 March 2010, respondent performed an asbestos abatement project in connection with the renovation of a residence located at 85 Kasper Circle, Stratford, CT (hereinafter "the property"). Said project involved the removal of asbestos containing pipe insulation.
2. On or about March 5, 2010, in connection with the asbestos abatement at the property, respondent:
 - a. failed to post warning signs at all approaches to the work area, as required by §19a-332a-5(a) of the Regulations of Connecticut State Agencies (hereinafter, "the Regulations"), in that no signs were posted;
 - b. failed to properly install polyethylene sheeting in the work area, as required by §19a-332a-5(c) of the Regulations, in that the second layer of polyethylene sheeting was not properly sealed with tape or the equivalent thereby resulting in gaps and/or openings;
 - c. failed to restrict work area access to authorized personnel afforded proper protective clothing, as required by §19a-332a-5(f) of the Regulations, in that workers were wearing street clothes and shoes under their tyvek suits;
 - d. failed to use wet cleaning techniques, as required by §19a-332a-5(g) of the Regulations and/or failed to adequately wet all asbestos containing material to be removed, as required by §19a-332a-7(a) of the Regulations, in that no water source was provided to the work area and dry, dusty conditions existed in the work area;
 - e. failed to adequately wet all asbestos waste with an amended water solution, as required by §19a-332a-5(j) of the Regulations, in that waste bags contained dry material;
 - f. failed to properly label all waste containers holding asbestos waste, as required by §19a-332a-5(k) of the Regulations, in that asbestos waste containers stored outside of the work area were not labeled; and/or

- g. failed to properly construct and/or maintain a worker decontamination system, as required by §19a-332a-6 of the Regulations, in that there was no source of water to the shower unit.

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(c), 19a-332a-5(f), 19a-332a-5(g), 19a-332a-5(j), 19a-332a-5(k), 19a-332a-6, 19a-332a-7(a) 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 000181 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of six thousand dollars (\$6,000.00) 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.
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 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 368I 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.

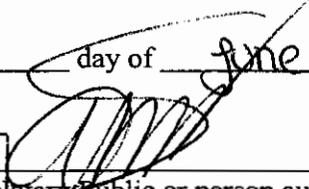
- 9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
- 10. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch to present 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.
- 11. Respondent has the right to consult with an attorney prior to signing this document.
- 12. 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.
- 13. 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.

I, James E. Mitola, President of Astech-Marmon, 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 Astech-Marmon, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



 James E. Mitola, President

Subscribed and sworn to before me this 3rd day of June 2010.



 Sandra Teixeira
 NOTARY PUBLIC
 State of Connecticut
 My Commission Expires January 31, 2013
 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 8th day of June 2010, it is hereby accepted.



 Suzanne Blancaflor, M.S., Section Chief
 Environmental Health Section
 Regulatory Services Branch