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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

INDOOR AIR PROGRAM

In re: ACM Consulting Corp.

Petition No. 2004-0122-053-001

CONSENT ORDER

WHEREAS, ACM Consulting Corp. of Union, New Jersey (hereinafter "respondent") has been issued license number 000211 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 the summer of 2003, respondent was the asbestos contractor for an asbestos abatement project at the Betsy Ross School, 185 Barnes Ave., New Haven, CT (hereinafter, "the property"). Said project involved the removal of various asbestos containing materials, including vinyl floor tile, transite, pipe insulation and spray-on fireproofing, in connection with the demolition of a portion of the school and the renovation of the remainder of the school.
2. On or about July 10, 2003, in connection with the asbestos abatement project at the property, in a crawlspace in Wing E of the school, respondent:
 - a. failed to restrict work area access to authorized personnel afforded proper respiratory protection and/or protective clothing, as required by §19a-332a-5(f) of the Regulations of Connecticut State Agencies (hereinafter, "the Regulations"), in that a Department investigator observed the asbestos abatement site supervisor exit the work area in his "street clothes" and without a respirator;

- b. failed to ensure that no person leave the work area unless first decontaminated by showering, wet washing or high efficiency particulate air vacuuming to remove all asbestos debris, as required by §19a-332a-6(b) of the Regulations, in that a Department investigator observed the asbestos abatement site supervisor exit the work area without decontaminating; and
 - c. failed to cover applicable floor and/or wall surfaces with polyethylene sheeting or the equivalent, as required by §19a-332a-5(e) of the Regulations, in that none of the applicable floor and wall surfaces were covered in the crawlspace and workers were in the process of wrapping pipes containing asbestos insulation and cutting the ends of the pipes.
3. In or about June 2003, in connection with the asbestos abatement project at the property, in a crawl space in phase 1, respondent used glove bag procedures to removal asbestos pipe insulation and did not have an approval from the Department for alternative work practices pursuant to §19a-332a-11 of the Regulations.
4. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-1, 19a-332a-5(e), 19a-332a-5(f), 19a-332a-6(b), 19a-332a-11 and 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 000211 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of five thousand dollars (\$5,000.00) 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 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 it may have under the laws of the State of Connecticut or of the United States.

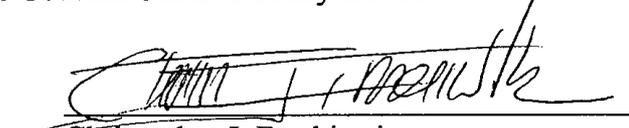
9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems to present this 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.

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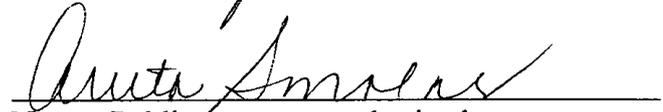
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I, Christopher J. Frackiewicz, Chief Executive Officer of ACM Consulting Corp., have read the above Consent Order, and I affirm that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind ACM Consulting Corp. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Christopher J. Frackiewicz
Chief Executive Officer

Subscribed and sworn to before me this 2nd day of June 2004.


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

ANITA SMOLAR
Notary Public, State of New Jersey
No. 2220745
Commission Expires Dec. 22, 2006

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 June 2004, it is hereby accepted.


Ellen Blaschinski, Director
Division of Environmental Health
Bureau of Regulatory Services