

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

In re: Wiese Construction and Environmental Services, Inc.      Petition No. 2004-0420-053-005

**CONSENT ORDER**

WHEREAS, Wiese Construction and Environmental Services, Inc. of Norwich, CT (hereinafter "respondent") has been issued license number 000237 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 October 2003, respondent was the licensed asbestos contractor for an asbestos abatement project at 25-27 Broad Street, New Britain, CT (hereinafter "the property"). Said project involved the removal of asbestos containing floor tile, plaster, transite and thermal pipe insulation, in connection with the demolition of the building on the property.
2. On or about October 3, 2003, in connection with the asbestos abatement project at the property, respondent:
  - a. failed to ensure that all asbestos abatement workers providing services at the property are certified to do so, as required by §20-440-5 of the Regulations of Connecticut State Agencies (hereinafter "the Regulations");
  - b. failed to ensure that all asbestos abatement workers have their initial and current certificates at the property, as required by §20-440-5(c) of the Regulations;

- c. failed to restrict work area access to authorized personnel afforded protective clothing, in that workers were wearing street clothing and street shoes inside the asbestos abatement work area, in violation of §19a-332a-5(f) of the Regulations;
  - d. failed to properly construct, operate and/or maintain a remote worker decontamination system, as required by §19a-332a-6 of the Regulations, in that no tyvek suits nor high efficiency particulate air (hereinafter "HEPA") vacuum were available at the exit to the work area;
  - e. failed to adequately wet all asbestos containing materials to be removed or disturbed by removal, as required by §19a-332a-7(a) of the Regulations, in that workers were engaged in mechanical chipping of vinyl floor tile in the work area without using any water; and/or
  - f. failed to provide negative pressure ventilation units with HEPA filtration in sufficient number to allow at least one work place air change every fifteen minutes, as required by §19a-332a-5(h) of the Regulations, in that the workers turned the power to the negative pressure ventilation unit off when they exited the work area for a lunch break.
3. 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-2, 19a-332a-5(f), 19a-332a-5(h), 19a-332a-6, 19a-332a-7(a), 20-440-1, and 20-440-5 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 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 its right to a hearing on the merits of this matter.
2. Respondent's license number 000237 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 368l 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.

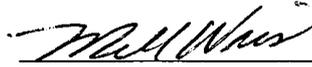
9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems to present this 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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I, Mel Wiese, President of Wiese Construction and Environmental Services, 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 Wiese Construction and Environmental Services, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
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Mel Wiese, President

Subscribed and sworn to before me this 13<sup>th</sup> day of August 2004.

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

John P. Erickson  
**NOTARY PUBLIC**  
State of Connecticut  
**My Commission Expires 7/31/09**

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 20<sup>th</sup> day of August 2004, it is hereby accepted.

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

s:llf/Weise/CO