

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

In re: Baystate Homeguard, Inc.

Petition No. 2002-1217-053-021

**CONSENT ORDER**

WHEREAS, Baystate Homeguard, Inc. of Springfield, MA (hereinafter "respondent") has been issued license number 000273 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 November 2002, respondent was the licensed asbestos contractor for an asbestos abatement project at the West End Athletic Club, 9 Divinity Street, Bristol, Connecticut (hereinafter "the property"). Said project involved the removal of asbestos containing floor tile and mastic.
2. On or about November 27, 2002, in connection with the asbestos abatement project at the property, respondent:
  - a. failed to include the correct size, age and use of the facility on the asbestos notification, as required by §19a-332a-3(c)(6) of the Regulations of Connecticut State Agencies (hereinafter "the Regulations");
  - b. failed to post warning signs at all approaches to the work area, as required by §19a-332a-5(a) of the Regulations;
  - c. failed to isolate the work area from non-work areas with air-tight barriers attached securely in place, as required by §19a-332a-5(c) of the Regulations, in that a

Department investigator observed breaches in the polyethylene barriers at the following locations: the front door, at the exhaust for the negative pressure ventilation unit and where the worker decontamination system adjoined the work area;

- d. failed to ensure that all seams and joints in the wall polyethylene sheeting are sealed with tape or the equivalent, as required by §19a-332a-5(e) of the Regulations, in that a Department investigator observed the bottom edge of the wall polyethylene sheeting was not sealed at an entrance to the kitchen;
- e. failed to restrict work area access to authorized personnel afforded proper respiratory protection, as required by §19a-332a-5(f), in that the Department investigator inadvertently entered the work area without protection, upon arrival, because a critical barrier had been removed for the delivery of a bead blaster machine; and/or
- f. failed to provide warm water to the worker decontamination shower, as required by §19a-332a-6(a) of the Regulations.

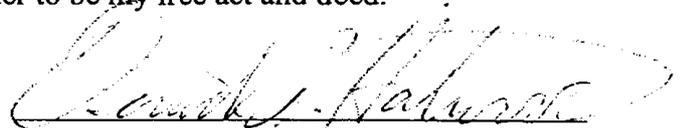
3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2(a), 19a-332a-3(c)(6), 19a-332a-5(a), 19a-332a-5(c), 19a-332a-5(e), 19a-332a-5(f), 19a-332a-6(a), 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, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

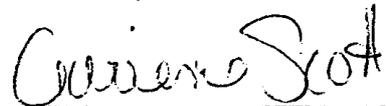
NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 000273 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of seven hundred and fifty dollars (\$750.00) 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.

I, Derrick Hatwood, President of Baystate Homeguard, 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 Baystate Homeguard, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
Derrick Hatwood, President

Subscribed and sworn to before me this 21 day of March 2003.

  
Notary Public or person authorized  
by law to administer an oath or affirmation  
**ADRIENNE SCOTT**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires May 22, 2009

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 3rd day of April 2003, it is hereby accepted.

  
Thomas H. Furgalack, Director,  
Division of Environmental Health  
Bureau of Regulatory Services