

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

In re: Stobi Contracting, Inc.

Petition No. 2003-0905-053-009

CONSENT ORDER

WHEREAS, Stobi Contracting, Inc. of Elmwood Park, New Jersey (hereinafter "respondent") has been issued license number 000318 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 June 2003, respondent was the licensed asbestos contractor for an asbestos abatement project at Buildings 1 and 2, Towers Dormitories, in Storrs, Connecticut (hereinafter, "the properties"). Said project involved, in part, the removal of thermal system insulation; the removal of 10,972 square feet of asbestos containing floor tile; the removal of 2,515 square feet of glue daubs and the removal of 70 square feet of duct insulation.
2. On or about June 5, 2003, in connection with the asbestos abatement project at the properties, respondent:
 - a. failed to construct contained work areas or provide other engineering controls in four custodial closets on the properties; and
 - b. failed to utilize clean-up procedures, involving the use of high efficiency particulate air filtration and wet cleaning techniques, until no visible residue was observed in the

work area, with respect to the asbestos abatement work performed in said custodial closets, as required by §19a-332a-5(g) of the Regulations of Connecticut State Agencies.

3. Respondent further failed to maintain proper records of the asbestos abatement project at the properties, and failed to make such records available to the Department upon its request, as required by §19a-332a-4(a) of the Regulations of Connecticut State Agencies.
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 the Regulations of Connecticut State Agencies, §§19a-332a-2, 19a-332a-4(a), 19a-332a-5(g) and 19a-332a-12.

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 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.

3. Respondent's license number 000318 shall be placed on probation until it completes five (5) interior asbestos abatement projects in Connecticut. Said asbestos abatement projects shall not include, and shall be in addition to, any abatement projects monitored pursuant to the probation ordered within the Memorandum of Decision in Petition Number 2002-0419-053-009. The projects that are subject to the probationary terms established herein shall be the first five (5) projects performed by respondent in Connecticut that involve interior abatement of more than three (3) linear feet or more than three (3) square feet of asbestos-containing material; provided that such abatement projects do not require an emergency asbestos abatement notification under Section 19a-332a-3 of the Regulations of Connecticut State Agencies where respondent does not have at least ten (10) days before the start of the project to engage the services of an asbestos abatement project monitor as required below. The terms and conditions of the probation shall be as follows:
 - a. For the five (5) interior asbestos abatement projects respondent contracts to perform in Connecticut, respondent shall provide a copy of this Consent Order to the Local Director of Health in any town in which said project is located;
 - b. Respondent shall certify to the Department, by no later than ten (10) days before the commencement of each asbestos abatement project, that it has complied with paragraph 3a of this Consent Order;
 - c. Respondent shall obtain, at its own expense, the services of a licensed asbestos abatement project monitor (hereinafter "monitor"), pre-approved by the Department, to review respondent's records and conduct on-site inspections of each of the five asbestos abatement projects as follows:
 - (1) Respondent shall provide a copy of this Consent Order to the monitor;

- (2) The monitor shall meet with respondent's officers and/or general manager and inspect the work sites at a frequency to be determined by the monitor, to ensure satisfactory performance of the five (5) interior asbestos abatement projects;
- (3) Respondent shall provide the monitor with reasonable notice prior to commencement of each abatement project and shall provide the monitor with the original records maintained on each asbestos abatement project;
- (4) The monitor shall prepare and submit directly to the Department a written report setting forth his/her findings regarding each project, including respondent's site records. Such reports shall be submitted to the Department no more than thirty (30) days after the completion of each asbestos abatement project. The monitor's reports shall include documentation of dates and duration of meetings with respondent's officers and/or general manager, a general description of the work reviewed, monitoring techniques utilized, a statement that the monitor personally observed respondent's work and site records and that such work was completed with reasonable skill and safety and in compliance with all applicable federal, state and local laws and regulations. If the monitor, at any time, determines that respondent is not in compliance with the statutes and/or regulations regarding its licensure or that such work was not completed with reasonable skill and safety, he/she shall immediately so notify the Department and such notification shall be deemed a violation of this Consent Order.

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. All reports required by the terms of this Consent Order shall be due within thirty (30) days of the completion of each asbestos abatement project described in paragraph 3a above.
7. All correspondence and reports are to be addressed to:

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

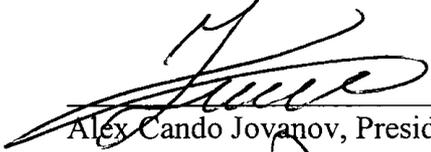
8. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written 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 8a 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 by the limited fifteen (15) day date certain contained 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.
9. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as an asbestos contractor, upon request by the Department, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall constitute an admission that its conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).
 10. 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.
 11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
 12. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Department.
 13. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any 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.

14. 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.
15. 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.
16. 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.
17. 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.
18. Respondent has the right to consult with an attorney prior to signing this document.
19. 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.

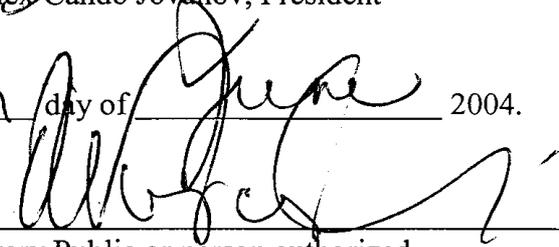
I, Alex Cando Jovanov, President of Stobi Contracting, Inc., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind Stobi Contracting, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Alex Cando Jovanov, President

Subscribed and sworn to before me this 16th day of June 2004.

AZRA KOJCEVSKI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 7, 2007



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 21st day of June 2004, it is hereby accepted.



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