

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

In re: Danair, Inc.

Petition No. 2005-1118-053-014

CONSENT ORDER

WHEREAS, Danair, Inc. of Lehigh, PA (hereinafter "respondent") has been issued license number 000340 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 2004, respondent was the licensed asbestos contractor for an asbestos abatement project at New Canaan High School, 11 Farm Road, New Canaan, CT (hereinafter, "the school"). Said project involved the removal of approximately 2,000 square feet of asbestos spray-applied fireproofing, 30,000 square feet of asbestos containing floor covering and associated mastic and 3,000 square feet of asbestos containing vapor barrier materials.
2. On or about July 14, 2004, in connection with the asbestos abatement project at the school, respondent:
 - a. failed to properly isolate a duct in the work area, that was part of the school heating, ventilating and air conditioning system, in violation of §§19a-332a-5(b) and/or 5(c) of the Regulations of Connecticut State Agencies (hereinafter "RCSA");
 - b. failed to cover and/or seal all wall surfaces with two (2) layers of polyethylene sheeting or the equivalent, as required by §19a-332a-5(e) of the RCSA, in that some

wall surfaces had only one (1) layer of polyethylene sheeting and portions of some wall surfaces were uncovered;

- c. failed to restrict work area access to authorized personnel afforded proper respiratory protection and protective clothing, as required by §19a-332a-5(f) of the RCSA, in that workers wore street clothing and/or shoes in the work area;
- d. failed to filter all waste water by best available technology, as required by §19a-332a-5(i) of the RCSA, in that there was no filtering system for a worker decontamination shower; and/or
- e. failed to properly construct a worker decontamination system, as required by §19a-332a-6(a) of the RCSA, in that the shower room was constructed in a manner that allowed a worker to by-pass the shower upon entering or exiting the work area.

3. On or about August 6, 2004, in connection with the asbestos abatement project at the school, respondent:

- a. failed to thoroughly decontaminate multiple negative pressure ventilation units and related adapters and/or hoses prior to removing said equipment from one or more work areas, in violation of §§19a-332a-6(b) and/or 7(d) of the RCSA;
- b. failed to filter all waste water by best available technology, as required by §19a-332a-5(i) of the RCSA, in that the filter system for one of the worker decontamination showers was not installed correctly; and/or
- c. failed to restrict work area access to authorized personnel afforded proper respiratory protection and protective clothing, as required by §19a-332a-5(f) of the RCSA, in that a worker in street clothes exited a work area without respiratory protection and/or protective clothing. Further, respondent failed to ensure that said worker decontaminate himself, as required by §19a-332a-6(b) of the RCSA.

4. 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, 19a-332a-5(b), 19a-332a-5(c), 19a-332a-5(e), 19a-332a-5(f), 19a-332a-5(i), 19a-332a-6, 19a-332a-7(d) and 20-440-6(b) of the RCSA.

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.

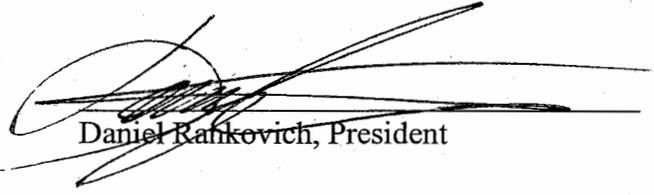
NOW THEREFORE, pursuant to §§19a-14 and 19a-17 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 000340 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of nine thousand dollars (\$9,000) 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 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.

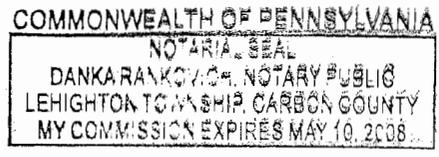
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I, Daniel Rankovich, President of Danair, Inc., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind Danair, Inc. to the terms as set forth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

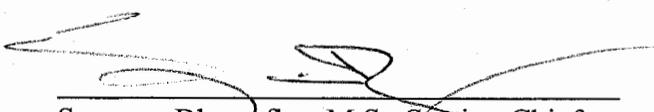

Daniel Rankovich, President

Subscribed and sworn to before me this 19th day of JULY 2006.


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 11th day of August 2006, it is hereby accepted.


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

s:lif/Danair/Generlco2