

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

In re: MGM Environmental Solutions, L.L.C.

Petition No. 2008-0701-053-005

**CONSENT ORDER**

WHEREAS, MGM Environmental Solutions, L.L.C. of Wallingford, CT (hereinafter "respondent") has been issued license number 000344 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 2008, respondent was the licensed asbestos contractor for an asbestos abatement project at a two-family residence operated by the Glastonbury Housing Authority and located at 78 Risley Road, Glastonbury, CT (hereinafter "the facility"). Said project involved the removal of 342 square feet of asbestos vinyl floor covering.
2. On or about June 5, 2008, in connection with the asbestos abatement project at the facility, respondent:
  - a. failed to properly isolate the facility heating, ventilating and air conditioning system within the asbestos abatement work area in that polyethylene sheeting had not been installed over at least one opening to the ventilation system, in violation of §19a-332a-5(b) and/or §19a-332a-5(c) of the Regulations of Connecticut State Agencies (hereinafter "the RCSA");
  - b. failed to restrict work area access to authorized personnel afforded proper respiratory protection and protective clothing, in violation of §19a-332a-5(f) of the RCSA, in

- that three (3) workers were not wearing respiratory protection or protective clothing while they were removing asbestos floor covering from a kitchen work area;
- c. failed to use wet cleaning techniques, in violation of §19a-332a-5(g) of the RCSA, in that there was no source of water to the facility and no evidence that water had been used during the removal of asbestos vinyl floor covering from a bathroom work area;
  - d. failed to adequately wet all asbestos containing material to be removed or disturbed by removal, in violation of §19a-332a-7(a) of the RCSA, in that there was no source of water to the facility and no evidence that water was being used during the removal of asbestos floor covering from a kitchen work area;
  - e. failed to construct and or maintain a worker decontamination system, in violation of §19a-332a-6(a) of the RCSA; and/or
  - f. failed to ensure that no person leave an asbestos abatement project work area unless first decontaminating by showering, wet washing or high efficiency particulate air vacuuming, in violation of §19a-332a-6(b) of the RCSA, in that three (3) workers left a work area without decontaminating themselves.
3. The above described facts constitute grounds for disciplinary action pursuant to, without limitation, Chapter 400a 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(f), 19a-332a-5(g), 19a-332a-6(a), 19a-332a-6(b), 19a-332a-7(a) and/or 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 000344 to practice as a an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of six thousand and five hundred dollars (\$6,500.00) 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 368l or 400a 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. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil liability or defense thereto.
13. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

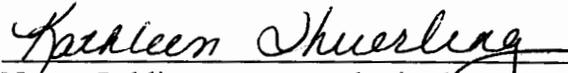
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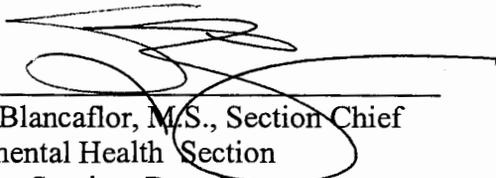
I, George Ryan, Member and General Manager of MGM Environmental Solutions, L.L.C., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said limited liability company to the terms as set forth herein. I hereby stipulate and agree to bind MGM Environmental Solutions, L.L.C. to the terms as set forth in this Consent Order. I further declare the execution of this Consent Order to be my free act and deed.

  
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George Ryan, Member and General Manager

Subscribed and sworn to before me this 7<sup>th</sup> day of November 2008.

  
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Notary Public or person authorized  
by law to administer an oath or affirmation  
*my comm expires 7/31/10*

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 17<sup>th</sup> day of November 2008, it is hereby accepted.

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

s:llf/MGM Env/CO