

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

In re: Abatement Technologies, LLC

Petition No. 2005-1118-053-016
August 4, 2008

MEMORANDUM OF DECISION
Procedural History

On March 30, 2007, the Department of Public Health ("the Department") filed a Statement of Charges ("the Charges") against Abatement Technologies, LLC ("respondent") notifying it that the Department was seeking an order revoking or imposing other disciplinary action against its asbestos contractor license ("the license"). Rec. Exh. 1.

On April 17, 2007, the Department issued a Notice of Hearing ("the Notice") scheduling a hearing for May 31 and June 7, 2007. In the Notice, the Commissioner of the Department appointed Hearing Officer Donald H. Levenson to rule on all motions, determine findings of fact and conclusions of law, and issue an order. Rec. Exh. 2.

On June 4, 2007, the Commissioner revoked the earlier delegation of authority and instead appointed this Hearing Officer to rule on all motions, determine findings of fact and conclusions of law, and issue an order. Rec. Exh. 6.

On July 17, 2007, respondent filed an Answer to the Charges. Rec. Exh. 11.

After a number of continuances, an administrative hearing was held for five days on August 6, September 26, November 5, November 6, and November 26, 2007 to adjudicate the Charges. The hearing was conducted in accordance with Chapter 54 of the Connecticut General Statutes ("the Statutes") and §§19a-9-1, *et seq.* of the Regulations of Connecticut State Agencies ("the Regulations"). Respondent appeared with its attorney Aimee Hoben, Esq. Attorney Linda Fazzina represented the Department.

This Memorandum of Decision is based entirely on the record and sets forth this Hearing Officer's findings of fact, conclusions of law, and order. To the extent that the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc. v. S & H. Computer Systems, Inc.*, 605 F. Supp. 816 (M.D. Tenn. 1985).

Allegations

1. In paragraph 1 of the Charges, the Department alleges that respondent is, and has been at all times referenced in the Charges, the holder of Connecticut asbestos contractor license number 000421.

2. In paragraph 2 of the Charges, the Department alleges that in or about April 2005, respondent performed an asbestos abatement project at a commercial facility located at 747 Barnum Avenue, Bridgeport, CT (hereinafter "the facility").
3. In paragraph 3 of the Charges, the Department alleges that on or about April 15, 2005, in connection with the asbestos abatement project at the facility, respondent violated Connecticut's standards applicable to the performance of asbestos abatement, which standards are found at §§19a-332a-1 to 19a-332a-16, inclusive, of the Regulations, in that it engaged in an asbestos abatement project without using the engineering controls required by the Regulations, including, without limitation, the failure to:
 - a) use adequate wetting, as required by §§19a-332a-5(j) and/or 19a-332a-7(a) of the Regulations;
 - b) use air-tight barriers, as required by §19a-332a-5(c) of the Regulations;
 - c) remove all moveable objects from the work area, as required by §19a-332a-5(d) of the Regulations;
 - d) cover all floor and/or wall surfaces with two layers of polyethylene sheeting, as required by §19a-332a-5(e) of the Regulations;
 - e) use a sufficient number of negative pressure ventilation units to allow at least one work place air change every 15 minutes, as required by §19a-332a-5(h) of the Regulations; and/or
 - f) construct, operate and/or maintain a worker decontamination system, as required by §19a-332a-6 of the Regulations.
4. In paragraph 4 of the Charges, the Department alleges that on or about April 15, 2005, in connection with the asbestos abatement project at the facility, respondent failed to ensure that all asbestos abatement workers had their most recent documents of accreditation, in violation of §20-440-5(a) of the Regulations, in that one worker did not have a current refresher training certificate. All asbestos abatement workers are required to receive annual refresher training pursuant to §20-441(a) of the Regulations.
5. In paragraph 5 of the Charges, the Department alleges that the above described facts constitute grounds for disciplinary action pursuant to, without limitation, §§20-440 and/or 19a-332a(b) of the Statutes, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-5(c), 19a-332a-5(d), 19a-332a-5(e), 19a-332a-5(h), 19a-332a-5(j), 19a-332a-6, 19a-332a-7(a), 19a-332a-11, 20-440-5(a) and/or 20-440-6(b) of the Regulations.

Findings of Fact

1. Respondent is, and has been at all times referenced in the Charges, the holder of Connecticut asbestos contractor license number 000421. Rec. Exh. 11; Tr. 11/5/07, p. 8.

2. In or about April 2005, respondent performed an asbestos abatement project at the facility. Dept. Exhs. 1, 2, 3.
3. On or about April 15, 2005, respondent failed to:
 - a) use adequate wetting on asbestos-containing materials;
 - b) use air-tight barriers;
 - c) remove all moveable objects from the work area;
 - d) cover all floor and/or wall surfaces with two layers of polyethylene sheeting;
 - e) use a sufficient number of negative pressure ventilation units to allow at least one work place air change every 15 minutes; and,
 - f) construct, operate and/or maintain a worker decontamination system ("WDS").

Dept. Exhs. 1, 2; Resp. Exh .7; Tr. 8/6/07, pp. 60-62, 88-90, 92-93, 118, 150-153, 155, 174; Tr. 9/26/07, pp. 32; Tr. 11/26/07, p. 48.

4. On or about April 15, 2005, respondent failed to ensure that one asbestos abatement worker had a current refresher-training certificate. Resp. Exhs. 7, 9; Tr. 8/6/07, pp. 71-75; Tr. 11/5/07, p. 10.

Discussion and Conclusions of Law

Pursuant to §§19a-14 and 19a-17 of the Statutes, the Department has the authority to take disciplinary action against an asbestos contractor license including, but not limited to, the authority to revoke a license. Further, pursuant to §19a-17 of the Statutes, in effect at the time, and §20-440-6 of the Regulations, the Department may assess an asbestos contractor a civil penalty of up to \$10,000 per incident.

In establishing the underlying violations to support any such disciplinary action, the Department bears the burden of proof by a preponderance of the evidence. *Swiller v. Comm'r. of Public Health*, CV-950705601, Superior Court, J.D. Hartford/New Britain at Hartford, October 10, 1995; *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, reh'g den., 451 U.S. 933 (1981); *Bender v. Clark*, 744 F. 2d 1424 (10th Cir. 1984); *Sea Island Broadcasting Corp. v. F.C.C.*, 627 F. 2d 240, 243 (D.C. Cir. 1980); all as cited in *Bridgeport Ambulance Service, Inc., v. Connecticut Dept. of Health Services*, No. CV 88-0349673-S (Sup. Court, J.D. Hartford/New Britain at Hartford, July 6, 1989); *Swiller v. Commissioner of Public Health*, No. CV 95-0705601 (Sup. Court, J.D. Hartford/New Britain at Hartford, October 10, 1995).

With respect to the allegations contained in paragraph 1 of the Charges, respondent admits that it held asbestos contractor license number 000421 at all times referenced in the Charges.

With respect to the allegations contained in paragraph 2 of the Charges, the Department met its burden of proof that in or about April 2005, respondent performed an asbestos abatement¹ project at a commercial facility located at 747 Barnum Avenue, Bridgeport, CT.

With regard to the allegations contained in paragraph 3a of the Charges, the Department met its burden of proof that respondent failed to use adequate wetting on asbestos-containing material ("ACM") at the facility on April 15, 2005. Section 19a-332a-5(j) of the Regulations requires that all ACM be adequately wetted with an amended water solution and placed in leak-tight containers, and §19a-332a-7(a) of the Regulations requires that all ACM that is removed or disturbed be adequately wetted unless otherwise approved by the Department. The Department established by a preponderance of the evidence that the ACM in the two bags that the inspector, Mr. Dahlem, opened contained pipe insulation² that was completely dry and dusty. There was no

¹ Section 19a-332a-1(d) of the Regulations states in pertinent part:

Asbestos abatement means the removal, capsulation, enclosure, renovation, repair, demolition or other disturbance of asbestos containing materials, but does not include activities which are related to . . . removal or repair of asbestos cement pipe . . . as defined by Conn. Gen. Stat. §25-32a, . . . removal of non-friable asbestos-containing material found exterior to a building or structure, other than material defined as regulated asbestos-containing material of 40 C.F.R. 61, the National Standards for Hazardous Air Pollutants as amended from time to time.

² There was much discussion about the bags that were stored at the facility on the date of the Department's routine compliance inspection on April 15, 2005. The parties agree there were 18 bags of waste in the facility and that 12 of those bags contained clean, non-asbestos waste. Of the remaining six bags, respondent claims that four contained debris from another site at 31 Tobey Road, Bloomfield, CT; and, two contained asbestos waste generated from the facility as a result of a "spot repair" or "pre-cleaning" at the facility.

In fact, a preponderance of the evidence establishes that all six of the remaining bags contained asbestos waste that was generated at the facility. Mr. Dahlem, the Department's inspector, personally viewed the bags and consistently and credibly testified that there were no labels on any of the bags in the facility (*See*, Tr. 8/6/07, pp. 105-106), and respondent offered no reliable or credible evidence to rebut Mr. Dahlem's testimony or inspection report. Although respondent claims that the four bags were labeled with Tobey Road as their source of origin, respondent did not see the bags, their contents, or whether they had labels. Rather, he based his beliefs about the bags on representations made by another asbestos worker who did not testify.

Respondent also claims that Mr. Jose Mota, who was respondent's supervisor at the time of Mr. Dahlem's inspection, explained to Mr. Dahlem that the bags came from the Tobey Road site, and that labels identified them as coming from the Tobey Road project. Mr. Dahlem denies this claim and, since Mr. Mota did not testify, respondent's claims are all hearsay. Moreover, Mr. Mota's written account of the incident written one year later (Resp. Exh. 17) was not given any weight.

Mr. Sam Patrick, one of respondent's asbestos workers, also testified that he brought four or five bags from the Tobey Road project to the facility and that these bags contained polyethylene sheeting that was dismantled at the end of the project. His testimony contradicts the testimony of respondent's manager, Mr. Black, who testified that those bags contained pipe insulation from the Tobey Road project. Mr. Patrick also testified that he did not know what was written on the bags that he transported to the waste disposal center later that afternoon because he cannot read. Moreover, the waste manifest form (Resp. Exh. 12) from the New England Environmental Transport, Inc. disposal center does not specify what the contents of the four bags were that it received on April 15, 2005. There are also questions about the validity of the dates on this form that were not answered with any degree of reliability. Thus, there is no credible evidence in the record that Mr. Patrick and Mr. Black were even testifying about the same waste bags.

In any event, the Department's case rests largely on only two of the six remaining bags, and respondent does not dispute that those two bags contained ACM. The findings in this case concern primarily those two bags; and

evidence that the material in these two bags had ever been wetted; and, the outside of the bags was also dry.

Respondent claims that the asbestos material in the bags resulted from “spot repairs” or “pre-cleaning” of the facility and thus, did not require the engineering controls mandated by §§19a-332a-5 through 19a-332a-7 of the Regulations. However, there are several problems with respondent’s claims. Section 19a-332a-1(ff) of the Regulations defines a “spot repair” as “involving not more than three linear feet or three square feet of asbestos-containing material.” Any project involving more than three linear or square feet constitutes an “asbestos abatement project” pursuant to §19a-332a-1(e) of the Regulations, requiring all of the protections and requisite engineering controls to be in place before abatement begins and throughout the duration of the project.

A preponderance of the evidence establishes that the quantity of pipe insulation in these bags consisted of 12-15 linear feet in each of the two bags. Thus, the abatement of the ACM contained in the two bags did not result from “spot repairs.” Mr. Dahlem’s inspection report and testimony concurs with respondent’s witnesses’ estimate of the quantity of pipe insulation as 12-15 feet in each bag. Mr. Bruce Black, respondent’s manager, and Mr. Ralph Wiech, respondent’s project designer and consultant, both testified that from viewing photographs of the bags (Dept Exh. 1, photos ## 5, 6), each of the two waste bags contained approximately 12-15 linear feet of pipe insulation. Since the amount of pipe insulation in these two bags exceeded the maximum amount of ACM that constitute “spot repairs,” the removal of the loose, damaged pipe insulation was an asbestos abatement “project,” not a “spot repair,” requiring that engineering controls be in place.³ Thus, the Department established by a preponderance of the evidence that respondent failed to use adequate wetting on the ACM in these two bags as alleged in paragraph 3a of the Charges.

With regard to the allegations in paragraph 3b of the Charges, the Department met its burden of proof that respondent engaged in an asbestos abatement project without the use of air-tight barriers. Section 19a-332a-5(c) of the Regulations requires the work area to be isolated from non-work areas by air-tight barriers attached securely in place. Mr. Dahlem testified that at

respondent only disputes whether those materials were the result of “spot repairs” or a “project.” See, discussion on page 5.

³ The one exception that may permit abatement activities to be performed as “spot repairs” of areas which cumulatively involve more than three linear or three square feet of ACM is when the material is non-contiguous and there is a clear engineering reason why it would not be feasible to connect individual work areas. This exception was not applicable in this case. See, Department-issued memorandum entitled “Applications for Approval of Alternative Work Practices,” dated July 24, 1991. Resp. Exh. 5; Tr. 8/6/07, pp. 156-157.

the time of his inspection, the workers were setting up polyethylene sheeting to isolate the work areas from the non-work areas. Since the sheeting was not set up before the workers picked up the loose, damaged pipe insulation from the floor, the abatement of the pipe insulation was accomplished in violation of §19a-332a-5(c) of the Regulations.

Respondent claims that the workers performed the abatement of the damaged pipe by using “glove bags,”⁴ an alternative form of an air-tight barrier, but presented no direct or other evidence in support of this claim. Moreover, Mr. Dahlem credibly testified that the “glove bags,” would have been visible from inside of the asbestos waste bags, but were not; and, Mr. Black acknowledged that he was not at the facility when his workers bagged the loose, damaged pipe insulation. Nor did any of those workers testify at the hearing. Thus, a preponderance of the evidence supports the Department’s allegation.

Mr. Ronald Skomro, Department supervisor in the asbestos program, testified that under the conditions that respondent described, the activity of cleaning up the loose, damaged pipe insulation required that engineering controls be in place.⁵ As previously discussed, §19a-332a-1(d) of the Regulations defines “asbestos abatement” to include the removal or other disturbance of [ACM]. Picking up ACM from the floor of the facility and placing those materials in plastic bags labeled “DANGER” clearly constituted the “removal” or “other disturbance” of ACM. Therefore, the Department sustained its burden of proving this allegation.

With regard to the allegations in paragraph 3c of the Charges that respondent engaged in an asbestos abatement project without removing all moveable objects from the work area, the Department met its burden of proof. Section 19a-332a-5(d) of the Regulations requires that all moveable objects which can be removed from the work area be removed. Although Mr. Dahlem did not inspect the work area fully because the workers were in the process of constructing a contained work area, the Department entered into the record photographs of the facility that were taken of the site on April 15, 2005. An adequate foundation for the photos was laid and respondent did not challenge their authenticity. *See*, Dept. Exh. 1. Such photographs depict

⁴ Section 19a-332a-1(x) of the Regulations states that a “[g]love bag” means a manufactured polyethylene bag type of enclosure with built-in gloves, such as is placed with an air-tight seal around asbestos-containing material and which permits the asbestos-containing material contained by the bag to be removed without releasing asbestos fibers to the atmosphere.”

⁵ The clearing of the loose, damaged pipe also did not fall within respondent’s original Alternative Work Practices (“AWP”) application, which requested and obtained approval for the use of the “glove bag” method for the removal of 2200 linear feet of *intact* and *undamaged* insulation that was still on the pipe. The Department approved of this application with specific engineering controls in place; namely, air-tight barriers would be set up to isolate the work areas from the non-work areas, negative air pressure ventilation units would be used, and polyethylene sheeting and certain procedures were to be followed before cutting the affected sections of pipe. The approved AWP was not intended to be used for the removal of damaged pipe insulation that had fallen on the floor of the facility. Dept. Exh. 1; attachment B.

moveable objects such as tools, cans of cleaning solvents, cleaning rags, a sawhorse, buckets, a high efficiency particulate air ("HEPA") vacuum cleaner, unused glove bags, a light fixture, and a green cabinet with two shelves that were in the work area where the workers had abated the loose, damaged pipe insulation prior to the time Mr. Dahlem arrived at the site. Thus, the Department sustained its burden of proving this allegation.

With respect to the allegations in paragraph 3d of the Charges that respondent engaged in an asbestos abatement project without covering all floor and/or wall surfaces with two layers of polyethylene sheeting, the Department met its burden of proof. Section 19a-332a-5(e) of the Regulations requires that all floor and wall surfaces in the work area be covered with polyethylene sheeting. Again, the evidence establishes that asbestos abatement had already begun when respondent's workers picked up and bagged the loose, damaged pipe insulation prior to Mr. Dahlem's arrival. When Mr. Dahlem arrived later, respondent's workers were only then in the process of covering the floor and wall surfaces with two layers of polyethylene sheeting. Therefore, the Department sustained its burden of proving this allegation.

With respect to the allegations in paragraph 3e of the Charges that respondent engaged in an asbestos abatement project without using a sufficient number of negative ventilation units to allow at least one work place air change every 15 minutes, the Department met its burden of proof. Section 19a-332a-5(h) of the Regulations requires that negative pressure ventilation units equipped with HEPA filters be provided to allow at least one work place air change every 15 minutes. As discussed herein above, the Department established by a preponderance of the evidence that asbestos abatement had already begun when the workers bagged the loose, damaged pipe insulation before Mr. Dahlem's arrival and the required negative pressure ventilation units were not in place at that time. Thus, respondent had not complied with this regulatory requirement. Therefore, the Department sustained its burden of proving this allegation.

With respect to the allegations in paragraph 3f of the Charges that respondent failed to construct, operate and/or maintain a WDS, the Department met its burden of proof. Section 19a-332a-6 of the Regulations requires that all asbestos abatement projects shall provide work areas that are equipped with decontamination facilities consisting of a clean room, a shower room, and an equipment room. As previously discussed, the Department established by a preponderance of the evidence that asbestos abatement had already begun when the workers bagged the loose, damaged pipe insulation before Mr. Dahlem's arrival. Only after Mr. Dahlem arrived, was the WDS put into place. Therefore, the Department sustained its burden of proving this allegation.

With regard to the allegations in paragraph 4 of the Charges that respondent failed to ensure that one asbestos abatement worker had his most recent documents of accreditation, the Department met its burden of proof. Section 20-440-5(a) of the Regulations requires that no asbestos contractor shall employ an individual to work as an asbestos abatement site supervisor or as an asbestos abatement worker unless such individual has provided a copy of the current certificate issued by the Department. On April 15, 2005, there were four workers (Eduardo Bustos, Sam Patrick, Ben Small, and Marvin Martinez) and a supervisor (Jose Mota) on site. During Mr. Dahlem's inspection, the crew was in the process of setting up the engineering controls in the boiler room, and Jose Mota was performing demolition work in the same area. The four asbestos abatement workers had current documents of accreditation; Mr. Mota did not. Respondent does not dispute that, on April 15, 2005, Mr. Mota did not have a current refresher training certificate, and that he did not obtain a certificate of completion of refresher training for asbestos abatement site supervisors until April 29, 2005 (Resp. Exh. 8). Rather, respondent claims that Mr. Mota was restricted to demolition work in the boiler room and that he was not engaged in any asbestos abatement activities on April 15, 2005. Respondent also claims that Eduardo Bustos was the site supervisor on that day. However, Mr. Patrick, who was the only witness for respondent who was present during Mr. Dahlem's inspection, credibly testified that Mr. Mota was the site supervisor on that day. Mr. Dahlem also testified that Mr. Mota presented himself to Mr. Dahlem as the site supervisor, and that it was Mr. Mota and not Mr. Bustos (who left the facility while Mr. Dahlem was still there), who walked with Mr. Dahlem around the facility and showed him the work areas. Thus, the Department established by a preponderance of the evidence that on April 15, 2005, Mr. Mota was indeed the site supervisor, and that he did not have his current refresher training certificate on that date.

Finally, in an effort to rebut the Department's evidence of the alleged violations, respondent claims that Mr. Dahlem was biased against respondent. Respondent claims that Mr. Dahlem demonstrated bias against it in 2000 during an asbestos abatement hearing involving Mr. Black and a different asbestos abatement company, Connecticut Abatement Technologies, Inc. In that hearing, Mr. Black accused Mr. Dahlem of lying under oath about whether he followed proper decontamination procedures during an inspection on January 11, 2000, of an asbestos abatement project in Middletown, CT. The Hearing Officer in that case found no merit to respondent's accusations against Mr. Dahlem, and, instead, found that the company had committed several violations of the Regulations for which she ordered a civil penalty and imposed other discipline on the company's asbestos abatement license, including probation.

See, In Re: Connecticut Abatement Technologies, Inc., December 19, 2000. Since then, respondent claims that it does not trust Mr. Dahlem and has had concerns about his honesty and credibility. However, the record does not support respondent's complaints and concerns about Mr. Dahlem's honesty and credibility.

Respondent claims that Mr. Dahlem's references in his inspection report to 18 bags of asbestos waste are inflammatory and inaccurate. This is not true. In this case, even respondent concedes that the most critical and compelling evidence concerns only the two bags of asbestos waste that Mr. Dahlem opened, inspected and from which he obtained samples for testing. *See*, n. 2. Any perceived inaccuracies or omissions in the inspection report are not relevant or determinative with respect to the analysis of those two bags of asbestos waste. Therefore, the actual number of asbestos waste bags is not inflammatory or prejudicial. For all of the reasons discussed above, the evidence establishes violations of the regulatory requirements, and respondent's defenses and claims to the contrary are simply not credible. Thus, respondent's claim of bias is without merit.

Pursuant to §19a-17 of the General Statutes and §20-440-6(b) of the Regulations, the Department requests that respondent's license be assessed a civil penalty of \$10,250.00.

The Regulations have a simple but critically important function – to protect the public health by eliminating or reducing the exposure of asbestos abatement workers and the general public to asbestos fibers. To accomplish these goals, the Regulations set forth an elaborate system of procedures and protocols that apply to every stage of an asbestos abatement project. The Regulations are entitled to a liberal interpretation to further this remedial purpose. *Kiniry v. State of Connecticut Department of Public Health et al.*, No. CV9800851895S (Sup.Ct. J.D. of Middlesex, at Middletown, May 11, 1999).

In the instant case, respondent demonstrated a clear disregard for the public health and safety of its own workers and members of the general public when the workers picked up loose, damaged pipe insulation from the floor of the facility without using the engineering controls required by the Regulations.

Order

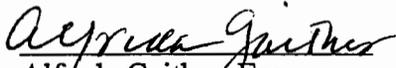
Based on the record in this case, the above findings of fact and conclusions of law, and pursuant to §§19a-17(a) of the General Statutes, and §20-440-6(b) of the Regulations, the following Order is hereby issued concerning the asbestos contractor license of Abatement Technologies, LLC, license number 000421.

1. Respondent shall pay a civil penalty of \$5,000.00 by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on its face, and shall be payable within thirty days of the effective date of this decision.
2. Respondent's license shall be placed on probation until respondent has completed five asbestos abatement projects in compliance with all applicable statutes and regulations as set forth below:
 - a. Respondent shall obtain at its own expense the services of a licensed asbestos abatement project monitor pre-approved by the Department ("the monitor"), to conduct on-site inspections of all asbestos abatement projects undertaken by respondent until the monitor reports to the Department that respondent has successfully completed five such projects in compliance with all applicable statutes and regulations.
 - (1) The monitor shall have the right to monitor any and all work on the projects by any means that he or she deems necessary to determine whether respondent is conducting the abatement in accordance with all applicable statutes and regulation;
 - (2) Respondent shall cooperate fully with the monitor;
 - (3) Respondent shall provide the monitor with the original records maintained on each asbestos abatement project monitored;
 - (4) The monitor shall prepare and submit directly to the Department a written report stating briefly: (a) that the asbestos abatement projects reviewed were completed with reasonable skill and safety and in compliance with applicable statutes and regulations, and (b) the dates, locations, and duration of all site inspections and meetings with respondent's officers and employees;
 - (5) If the monitor determines at any time that respondent is not in compliance with the statutes and/or regulations, he/she shall immediately notify the Department; and,
 - (6) During the period of probation, respondent is prohibited from engaging in any asbestos abatement project if the monitor is unavailable to monitor such project.
 - b. Respondent's probation shall terminate when the monitor reports to the Department that respondent has successfully completed the five projects described above.
3. Respondent shall bear all costs associated with its compliance with this Order.
4. This decision does not dispose of any criminal liability unless respondent receives or has received a written agreement from the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau stating that this decision resolves any such liability.

5. The civil penalty, and all notices and reports shall be sent to:

Ronald Skomro
State of Connecticut Department of Public Health
450 Capitol Avenue, MS #51AIR
P.O. Box 34038
Hartford, Connecticut 06134-0308

6. This Order shall be effective thirty days from the date of signature.


Alfreda Gaither, Esq.
Hearing Officer

8/4/08
Date