

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

In re: American Environmental, Inc.

Petition No. 2009-0708-053-005

CONSENT ORDER

WHEREAS, American Environmental, Inc. of West Springfield, MA (hereinafter "respondent") has been issued license number 000503 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 March 2009, respondent performed an asbestos abatement project in connection with the renovation of a public building at 249 High Street, Hartford, CT (hereinafter, "the property"). Said project involved the removal of various asbestos containing materials, including, without limitation, 22,000 square feet of vinyl asbestos floor tile and mastic.
2. On or about March 30, 2009, in connection with the asbestos abatement project at the property, respondent:
 - a. failed to restrict work area access to authorized personnel afforded proper protective clothing, as required by §19a-332a-5(a) of the Regulations of Connecticut State Agencies (hereinafter, "the Regulations"), in that workers wore "street" shoes and/or "street" clothes under tyvek suits;
 - b. failed to properly construct and/or maintain a worker decontamination system, as required by §19a-332a-5(i) and/or §19a-332a-6 of the Regulations, in that respondent failed to install a wastewater filtration system in the shower room of the worker decontamination system and failed to supply warm water to the shower; and/or
 - c. failed to adequately wet all asbestos containing material to be removed or disturbed by removal, as required by §19a-332a-7(a) of the Regulations, in that removal of asbestos containing floor tile and mastic was substantially complete in a second floor work area and conditions were dry throughout the work area. In addition, the water source for the work area was a bladder tank located on the ground floor and this water source was not installed until after the Department's arrival at the property.
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(a), 19a-332a-5(i), 19a-332a-6, 19a-332a-7(a), and/or 20-440-6(b) of the Regulations.

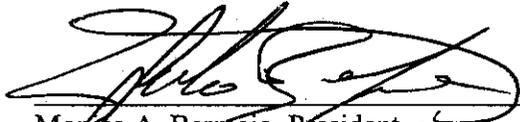
WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 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:

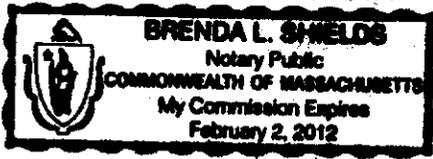
1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 000503 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of thirteen thousand and five hundred dollars (\$13,500.00) 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 400a or 368f 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 Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.

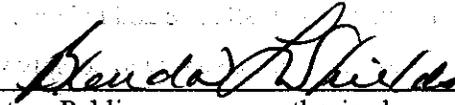
- 11. Respondent has the right to consult with an attorney prior to signing this document.
- 12. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's 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 or criminal liability or defense.
- 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.

I, Monica A. Bermejo, President of American Environmental, 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 American Environmental, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


~~Monica A. Bermejo, President~~
 Julio Bermejo, President

Subscribed and sworn to before me this 10th day of DECEMBER 2009.




 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 17th day of December 2009, it is hereby accepted.


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