

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Chase Environmental, L.L.C.

Petition No. 2011-24

CONSENT ORDER

WHEREAS, Chase Environmental, L.L.C. of Norwalk, Connecticut (hereinafter "respondent") has been issued license number 000608 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 and respondent denies that:

1. In or about November 2011, respondent performed an asbestos abatement project that involved the removal of asbestos duct insulation and asbestos containing floor tile in connection with the demolition of a residence at 120 Oxford Road in Oxford, Connecticut (hereinafter "the property").
2. On or about November 28, 2011, in connection with the asbestos abatement project at the property, respondent:
 - a. failed to post warning signs at all approaches to the work area, as required by §19a-332a-5(a) of the Regulations of Connecticut State Agencies (hereinafter, "the Regulations");
 - b. failed to ensure that floor polyethylene sheeting extended at least twelve inches up the adjoining wall surfaces and/or failed to cover approximately fifty square feet of flooring material that was not scheduled to be removed, as required by §19a-332a-5(e) of the Regulations;

- c. failed to ensure that all asbestos containing materials were adequately wetted, as required by §§19a-332a-5(j) and/or 19a-332a-7(a) of the Regulations;
 - d. failed to use a sufficient number of negative pressure ventilation units with high efficiency particulate air (hereinafter "HEPA") filtration to allow at least one (1) work place air change every fifteen (15) minutes, as required by §19a-332a-5(h) of the Regulations;
 - e. failed to properly package all asbestos containing waste, as required by §§19a-332a-5(j) of the Regulations;
 - f. failed to properly construct, maintain or operate a worker decontamination system, as required by §19a-332a-6 of the Regulations, including, without limitation, failure to supply a working shower; and/or
 - g. failed to ensure that no person leave the work area unless first decontaminated by showering, wet washing or HEPA vacuuming, as required by §19a-332a-6(b) of the Regulations in that workers exited the work area without first decontaminating.
3. The above described facts constitute grounds for disciplinary action pursuant to, without limitation, Chapter 400a and/or §19a-332a of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-5(a), 19a-332a-5(e), 19a-332a-5(g), 19a-332a-5(h), 19a-332a-5(j), 19a-332a-5(k), 19a-332a-6, 19a-332a-7(a), 20-440-6(b) of the Regulations.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations at a hearing before the Department. Respondent, 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 20-440 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 9a-17 and 20-440 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 000608 to practice as 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) in accordance with the following: an initial payment of three thousand and five hundred dollars (\$3,500) shall be payable at the time respondent submits the executed Consent Order to the Department; and thereafter, the remainder of the civil penalty shall be paid in equal monthly installments of one thousand dollars (\$1,000.00) and shall be payable on the last day of each month. Respondent shall make each civil penalty payment by certified or cashier's check payable to "Treasurer, State of Connecticut." Each check shall reference the Petition Number on the face of the check.
4. Respondent's license number 000608 shall be placed on probation until such time as it pays in full the civil penalty provided for in paragraph 3 above.
5. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
6. All correspondence and payments are to be addressed to:

Ronald Skomro, Supervising Environmental Analyst
Department of Public Health
410 Capitol Avenue, MS #51AIR
P.O. Box 340308
Hartford, CT 06134-0308
7. Respondent shall pay all costs necessary to comply with this Consent Order.
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 within the fifteen (15) days specified 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. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
 10. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted by the Department.
 11. Any extension of time or grace period 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.

12. 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 368l of the General Statutes of Connecticut, as amended, is at issue.
13. 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. Respondent understands that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. 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.
14. 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.
15. Respondent permits a representative of the Legal Office of the Healthcare Quality and Safety 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.
16. Respondent has the right to consult with an attorney prior to signing this document.
17. 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 State's

Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. 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.

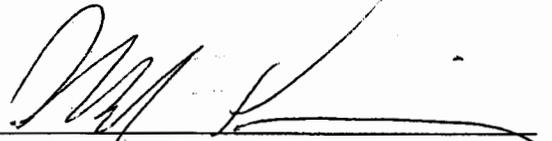
18. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

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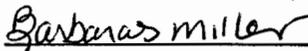
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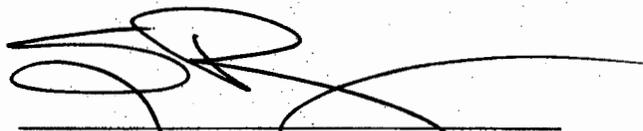
I, Mark Pierne, Member and General Manager of Chase Environmental, L.L.C., have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said limited liability company. I hereby stipulate and agree to bind Chase Environmental, L.L.C. to the terms as set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


Mark Pierne, Member and General Manager

Subscribed and sworn to before me this 7th day of December 2012.


~~Notary Public~~ or person authorized
by law to administer an oath or affirmation
Officer of the Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 12th day of December 2012, it is hereby accepted.


Suzanne Blancaflor, M.S., M.P.H., Section Chief
Environmental Health Section
Healthcare Quality and Safety Branch