STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In re: Scott Arena | Petition No. 2001-0809-066-001

CONSENT ORDER

WHEREAS, Scott Arena of North Haven, Ct (hereinafter "respondent") has been issued lead consultant license number 000218 to practice as a lead planner / project designer by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400c of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. On or about July 27, 2001, he pled guilty to mail fraud in violation of Title 18 U.S.C. §§1341 and 1342 in connection with a federal investigation into municipal corruption in Bridgeport, CT. In connection with said guilty plea, respondent admitted: (x) that he aided and abetted Paul J. Pinto, Brian Bannon and Individual C in defrauding the City of Bridgeport, CT by adding one thousand dollars ($1,000) to his bill to the City of Bridgeport, CT for each asbestos removal survey he performed; (y) he agreed to kick back one thousand dollars ($1,000) per survey to Individual C, knowing that Individual C would not perform any asbestos removal work; and (z) he further agreed to inflate by twenty percent (20%) the estimate of the amount of asbestos materials to be removed from each city owned property and to include the inflated estimates in the pre-demolition surveys submitted to the City of Bridgeport, CT.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §§19a-14(c) and 19a-17(a).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and 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 his right to a hearing on the merits of this matter.
2. Respondent's lead consultant license number 000218 to practice as a lead planner / project designer shall be placed on probation for a period of ninety (90) days under the following terms and conditions:
    a. Respondent shall be responsible for providing his employer with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment with a new employer.
    b. Respondent's employer shall furnish written confirmation to the Department of receipt of a copy of this Consent Order within fifteen (15) days of receipt.
    c. During the period of probation, respondent agrees to provide bi-weekly reports to the Department.
        (1) Respondent shall be responsible for providing written reports directly to the Department by facsimile (860-509-7295) to the attention of Alan Buzzetti, by no later than 4:00 p.m. on each Monday during the reporting period, or if that day is a holiday, by no later than 4:00 p.m. on the next business day. Respondent shall also simultaneously provide the Department with the original copy of each report by regular mail, at the address identified in paragraph 3 below. Each report shall contain the information required by

paragraph 2(c)(3) below for the bi-weekly period ending on the Friday before each report is due under this paragraph 2(c)(1). If there is no information to report for a particular bi-weekly period, then respondent shall provide a statement so indicating and such statement shall be signed in accordance with the requirements of paragraph 2(c)(2).

(2) Respondent shall be responsible for signing each report and for having the general manager or an officer of his employer sign each report. The signature page shall be in the format described in Exhibit A, attached hereto and made a part hereof.

(3) Respondent shall be responsible for providing the following information in each written report: the address of each property that is the subject of services he has performed during the reporting period, the name and address of the party for whom each job is being performed, a description of the activities performed for each job during the reporting period, and an indication as to whether or not respondent has finalized a lead abatement plan for a particular property during the reporting period.

(4) To the extent that respondent has finalized a lead abatement plan for a particular property during the reporting period, then respondent shall provide the Department with a copy of such plan at the time it mails the applicable bi-weekly report to the Department, in accordance with paragraph 2(c)(1) above.

(5) The Department reserves the right to request any additional information or documentation from respondent concerning the lead consulting services described in any written report provided by respondent. Respondent shall be responsible for providing such information or documentation, as the case may be, within seven (7) calendar days of the date the Department makes any such request.

3. All correspondence and reports are to be addressed to:

Alan Buzzetti, Supervising Environmental Sanitarian
Department of Public Health
410 Capitol Avenue, MS #51LED
P.O. Box 340308
Hartford, CT 06134-0308

4. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.

5. Respondent shall pay all costs necessary to comply with this Consent Order.

6. 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 6a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.

   d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he 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.

7. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a lead planner / project designer, upon request by the Department, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).

8. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Department.

9. In the event respondent is not employed as a lead planner / project designer for periods of thirty (30) consecutive days or longer, or is employed outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.

10. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.

11. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted by the Department.

12. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in which his compliance with this Consent Order or with Chapter 400c of the General Statutes of Connecticut, as amended, is at issue.

13. Any extension of time or grace period for reporting 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.

14. 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 he may have under the laws of the State of Connecticut or of the United States.

15. 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.

16. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services 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.

17. Respondent has the right to consult with an attorney prior to signing this document.

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I, Scott Arena, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Scott Arena

Subscribed and sworn to before me this 31 day of December 2001.

Stacy Santillo
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 31st day of ~~December~~ January 2002, it is hereby accepted.

Thomas H. Furgalack, Director
Division of Environmental Health

s:llf/arena/co.lead.dsgn
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