

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

In re: Siegfried G. Carmon

Petition No. 2003-0409-091-001

CONSENT ORDER

WHEREAS, Siegfried G. Carmon of New Haven, CT (hereinafter "respondent") has been issued certificate number 000003 to practice as an asbestos abatement site supervisor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. On or about April 13, 2000, respondent submitted an application to the Department for asbestos abatement worker and site supervisor certification, in which he falsely stated he had never been found guilty or convicted as a result of an act which constitutes a felony under the laws of the State of Connecticut.
2. In or about September 2002, respondent provided services as an asbestos contractor at 301 Morse Street, Hamden, Connecticut (hereinafter "the property") without a license to do so, in violation of §20-435 of the General Statutes of Connecticut and/or §20-440-2(a) of the Regulations of Connecticut State Agencies (hereinafter "the Regulations"). In addition, in connection with the asbestos abatement project at the property, respondent:
 - a. failed to notify the Department at least ten days before the start of asbestos abatement and/or to pay the requisite fees, as required by §19a-332a(c) of the General Statutes of Connecticut and/or by §19a-332a-3 of the Regulations;

- b. failed to maintain records of the project, as required by §19a-332a-4 of the Regulations;
 - c. failed to restrict work area access to authorized personnel afforded proper respiratory protection and/or protective clothing, as required by §19a-332a-5(f) of the Regulations;
 - d. failed to utilize clean-up procedures, involving high efficiency particulate air (hereinafter "HEPA") filtration and wet cleaning techniques, until no visible residue is observed in the work area, as required by §19a-332a-5(g) of the Regulations;
 - e. failed to provide any negative pressure ventilation units with HEPA filtration, as required by §19a-332a-5(h) of the Regulations; and/or
 - f. failed to comply with the post abatement reoccupancy requirements of §19a-332a-12 of the Regulations.
3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332, 19a-332a and 19a-332b of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-3, 19a-332a-4, 19a-332a-5(f), 19a-332a-5(g), 19a-332a-5(h), 19a-332a-12, 20-440-1, and/or 20-440-2(a) of the Regulations.

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, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a 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 shall pay a civil penalty of one thousand and two hundred dollars (\$1,200.00) as follows: Respondent shall make an initial payment of two hundred dollars (\$200.00) at the time he submits the signed Consent Order to the Department. Thereafter, respondent shall make monthly payments of two hundred dollars (\$200.00) by no later than the 30th day of each month, until the balance is paid in full. Respondent shall make each payment by certified or cashier's check payable to "Treasurer, State of Connecticut" and each check shall reference the Petition Number on the face of the check.
3. Respondent's certificate number 000003 to practice as an asbestos abatement site supervisor shall be placed on probation for a period of one (1) year under the following terms and conditions:
 - a. Respondent shall provide 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. Respondent shall be responsible for the provision of monthly written reports directly to the Department from his employer, for the duration of his probation. Employer reports shall include a statement that respondent is performing the work of an asbestos abatement worker and/or site supervisor with reasonable skill and otherwise in accordance with all state and federal statutes and regulations applicable to his licensure. Employer reports shall be signed by respondent's immediate supervisor or by an officer of the company.

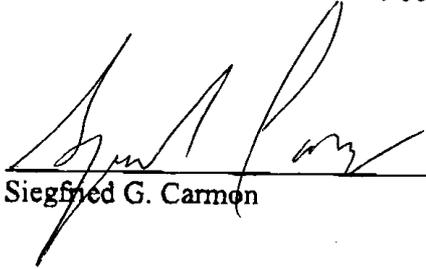
- d. Notwithstanding the foregoing, if respondent's employer determines that respondent is not performing in compliance with any statute and/or regulation applicable to his licensure, respondent's employer shall immediately notify the Department.
4. All correspondence and reports are to be addressed to:

Ronald Skomro, Supervising Environmental Sanitarian
Department of Public Health
410 Capitol Avenue, MS #51AIR
P.O. Box 340308
Hartford, CT 06134-0308
 5. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
 6. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
 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 he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.

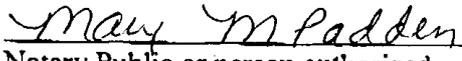
- d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Department which shall make a final determination of the 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.
9. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as an asbestos abatement site supervisor, 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 certificate. 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).
10. 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 certificate before the Department.
11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Office of Practitioner Licensing and Certification of the Bureau of Healthcare Systems of the Department.

12. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted by the Department.
13. 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 400a or 3681 of the General Statutes of Connecticut, as amended, is at issue.
14. 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.
15. 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.
16. 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.
17. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems 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.
18. Respondent has the right to consult with an attorney prior to signing this document.
19. 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.

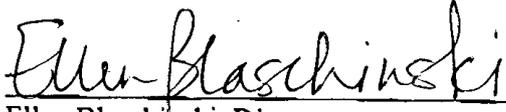
I, Siegfried G. Carmon, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Siegfried G. Carmon

Subscribed and sworn to before me this 16 day of July 2004.


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 19th day of July 2004, it is hereby accepted.


Ellen Blaschinski, Director
Division of Environmental Health
Bureau of Regulatory Services

s://Carmon/GENERLCO