

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

In re: Gary Silva

Petition No. 2002-1002-000-087

**PRELICENSURE CONSENT ORDER**

WHEREAS, Gary Silva, of New Haven (hereinafter "respondent") has applied for certification 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 agrees that:

1. The Department has at no time issued respondent a certificate to provide services as an asbestos abatement site supervisor under the General Statutes of Connecticut, Chapter 400a.
2. In 1995 and 1996 respondent was convicted of Sale of Cocaine and Possession of Cocaine, respectively, both of which constitute felonies in the state of Connecticut. He was sentenced to five (5) years, execution suspended, and five (5) years probation.
3. In 2001, respondent was convicted of Use of Drug Paraphernalia, which constitutes a felony in the state of Connecticut. He was sentenced to three (3) months, execution suspended, and one (1) year probation. His probation is expected to be completed on March 3, 2003.
4. The conduct described above constitutes grounds for the denial of respondent's application for certification pursuant to §19a-14 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-14 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives the right to a hearing on the merits of his application for certification.
2. After satisfying the requirements for certification as an asbestos abatement site supervisor as set forth in Chapter 400a of the General Statutes of Connecticut, respondent's certificate to practice will be issued.
3. Respondent's certificate to practice as an asbestos abatement site supervisor shall, immediately upon issuance, be placed on probation for one 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 at a new facility. Respondent agrees to provide reports from such employer on a monthly basis throughout the period of probation, stating that respondent is practicing with reasonable skill and safety.
  - b) Respondent shall provide his probation officer with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of the assignment of a new probation officer. Respondent agrees to provide reports from such probation officer on a monthly basis throughout the period of probation, stating that respondent is compliant with all terms of probation.
  - c) During the period of probation, respondent shall report to the Department any arrest under the provisions of Connecticut General Statutes section 14-227a. Such report shall occur within fifteen (15) days of such event.
4. Respondent shall comply with all state and federal statutes and regulations applicable to his certification.

5. Respondent shall notify the Department of any change in his home and/or business address within fifteen (15) days of such change.
6. Any deviation from the terms of this Prelicensure Consent Order without prior written approval of the Department shall constitute a violation. A violation of any term(s) of this Prelicensure Consent Order shall result in the right of the Department in its discretion to immediately deem respondent's asbestos consultant inspector certification rescinded. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department's right to take action at a later time. The Department shall not be required to grant future extensions of time or grace periods. Notice of the rescission of the certification shall be sent by the Department to respondent's address of record. Respondent waives any right to a hearing on the issue of violation of the terms of this Prelicensure Consent Order.
7. That correspondence and reports required by the terms of this Prelicensure Consent Order are to be addressed to:

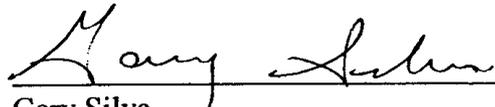
Ronald Skomro, Supervising Environmental Sanitarian  
Division of Environmental Health  
450 Capitol Avenue, MS #51AIR  
PO Box 340308  
Hartford, CT 06134-0308

8. 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.
9. Respondent understands that this Prelicensure Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut Department of Public Health in which (1) his compliance with this Prelicensure Consent

Order is at issue, or (2) his compliance with § 20-436 of the Connecticut General Statutes, as amended, is at issue.

10. This Prelicensure 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 Prelicensure Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.
11. This Prelicensure 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.
12. This Prelicensure Consent Order is effective when accepted and approved by a duly appointed agent of the Department.
13. Respondent understands this Prelicensure Consent Order is a matter of public record.
14. Respondent understands he has the right to consult with an attorney prior to signing this Prelicensure Consent Order.

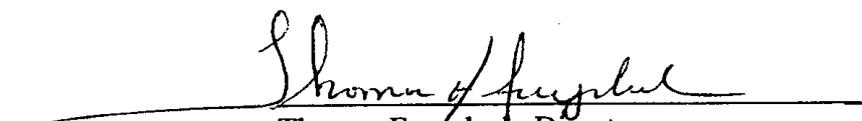
I, Gary Silva, have read the above Prelicensure Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Prelicensure Consent Order to be my free act and deed.

  
\_\_\_\_\_  
Gary Silva

Subscribed and sworn to before me this 8<sup>th</sup> day of Oct 2002.

  
\_\_\_\_\_  
Notary Public or person authorized  
by law to administer an oath or  
affirmation  
**Janice S. Mitchell**  
**Notary Public**  
**My Commission Expires 5/31/07**

The above Prelicensure Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 21<sup>st</sup> day of October 2002, it is hereby ordered and accepted.

  
\_\_\_\_\_  
Thomas Furgalack, Director  
Division of Environmental Health

Petition #2002-1002-000-087  
plco/jc



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

CERTIFIED MAIL RETURN RECEIPT REQUESTED

7099 3400 0018 2731 0877

October 30, 2002

Gary Silva  
261 Orange Street, Apt. 11  
New Haven, CT 06510

Dear Mr. Silva:

This is to advise you that you have completed all requirements for Connecticut asbestos abatement supervisor certification. Certificate number 001872 has been issued effective October 21, 2002.

Enclosed is a copy of the fully executed Prelicensure Consent Order in accordance with which your certificate is being granted. The Prelicensure Consent Order takes effect immediately.

You will receive your certificate in approximately eight (8) weeks, at your address of record. Instructions regarding future renewal will be enclosed. Failure to renew your certificate within ninety (90) days of the due date will result in your certificate becoming void. In that event, re-certification would require a new application to the Department and a review of all credentials to determine whether you would satisfy current certification requirements. In order to avoid such a process, be sure to renew your certificate in a timely manner each year in the month of your birth.

It is your responsibility to notify the Department of Public Health, in writing, of any future changes of name and/or address. Such notification to the Department is required by law and failure to provide same will jeopardize the status of your certification.

If you have any questions, please do not hesitate to contact this office at 860-509-7590.

Sincerely,

Thomas Furgalack, Director  
Division of Environmental Health

cc: ✓Jennifer Filippone, Public Health Services Manager  
Stanley Peck, Director, Legal Office  
Donna Brewer, Director, Public Health Hearing Office  
Ronald Skomro, Supervising Environmental Sanitarian

TF/jc

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Phone:

Telephone Device for the Deaf (860) 509-7191

410 Capitol Avenue - MS # \_\_\_\_\_

P.O. Box 340308 Hartford, CT 06134

Affirmative Action / Equal Employment Opportunity Employer