

COMPLAINT NO. 09-100

STATE OF CONNECTICUT

STATE BOARD OF EXAMINERS
OF ENVIRONMENTAL PROFESSIONALS

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

v.

MITCHELL CHESTER

APRIL 20, 2010

CONSENT ORDER

With the agreement of Mitchell Chester ("Respondent") the State Board of Examiners of Environmental Professionals ("LEP Board") finds that:

- A. 1. The Respondent is the holder of Environmental Professional License #315.
2. On October 8, 2009, the LEP Board received a complaint dated September 16, 2009 concerning Respondent's professional conduct as a LEP relating to an investigation performed at the Signature Auto, Inc. property located at 225-227 Burnside Avenue East Hartford ("the Site").
3. By letter dated January 22, 2010, the LEP Board Administrator gave notice to the Respondent that in accordance with Conn. Gen. Stat. §4-182(c), he would be provided with an opportunity to show that he was in compliance with all statutes and regulations concerning his LEP license.

4. On February 17, 2010, an informal Compliance Meeting was conducted. Present at the meeting were the Respondent, Attorney Alan Kosloff, Respondent's counsel, Jeffrey Loureiro, a member of the LEP Board who was designated by the LEP Board to investigate the complaint received by the LEP Board, John Looney, Assistant Attorney General and Kim Maiorano, the LEP Board Administrator.

5. By letter dated February 19, 2010, the LEP Board Administrator informed the Respondent that he failed to show compliance with certain regulatory requirements associated with his LEP license (a copy of the February 19, 2010 letter is attached hereto as Exhibit 1).

6. Respondent failed to comply with RCSA §§22a-133v-6(d) (1), 22a-133v-6(d) (2) (A), 22a-133v-6(d) (2) (B), 22a-133v-6(d) (2) (C) and Conn. Gen. Stat. §22a-134a in the conduct of the investigation of the Site. In addition, as a result of the Compliance Meeting, Respondent demonstrated non-compliance with RCSA §§ 22a-133v-6(c) (1), 22a-133v-6(d) (3) and 22a-133v-6(e) (3).

7. Respondent, knowing that data gaps existed for numerous areas of concerns at the Site, prepared and submitted to his client a verification report which the client then submitted to the Department of Environmental Protection.

8. Respondent denies the allegations contained in paragraphs 6 and 7.

B. Therefore, in accordance with Conn. Gen. Stat. §22a-133v(g), the LEP Board shall authorize the Commissioner of Environmental Protection ("Commissioner") to:

1. Suspend the Respondent's license #315 for a period of two (2) years from the date of entry of this Consent Order by the Commissioner subject to the following terms and conditions:

During the period of suspension:

- a.) Respondent shall not engage in any activities requiring an Environmental Professional License.
- b.) Respondent shall in no way hold himself out as a licensed environmental professional;
- c.) Respondent shall not engage in any conduct that misrepresents the status of his license to the public;
- d.) Respondent shall notify all current clients in writing of this suspension and of his inability to provide professional services as a licensed environmental professional during the term of this suspension. Copies of all such notices shall be sent by Respondent to the LEP Board Administrator, Kim Maiorano, c/o the Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106.
- e.) Respondent shall complete all continuing education credits that would be required if Respondent's license were not suspended.
- f.) Respondent shall file for the annual renewal of his license and pay all necessary fees for the renewal of his license in accordance with all applicable LEP Board regulations that would be required if Respondent's license were not suspended.

2. At the end of the suspension period, Respondent shall file a written request with the LEP Board Administrator for written confirmation that the period of suspension has expired and that Respondent may resume all lawful activities of a licensed environmental professional.

Dated this 25 day of April, 2010



Mitchell Chester

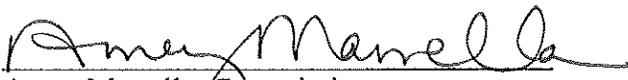
The State Board of Examiners of
Environmental Professionals

By: 

Denise Ruzicka
Its Chairperson

ENTERED AS AN ORDER OF THE COMMISSIONER:

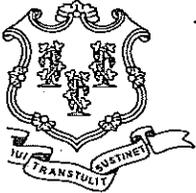
Dated this 17th day of May, 2010



Amey Marrella, Commissioner

EXHIBIT 1

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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



February 19, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mitchell Chester
Chester Environmental Associates, Inc.
350 West Street
Hebron, CT 06248

RE: Connecticut Licensed Environmental Professional
License #315 - Complaint # 09-100

Dear Mr. Chester:

On February 17, 2010, a compliance meeting was held in accordance with Conn. Gen. Stat. §4-182(c). Present at the compliance meeting were you, Jeff Loureiro, a member of the State Board of Examiners of Environmental Professionals ("LEP Board") who has been designated to investigate Complaint No. 09-100, Assistant Attorney General Jack Looney, the undersigned and your attorney, Alan Kosloff. As a result of the compliance meeting and review of the additional information that you provided, it has been determined that you did not show compliance with RCSA §§22a-133v-6(d)(1), 22a-133v-6(d)(2)(A), 22a-133v-6(d)(2)(B), 22a-133v-6(d)(2)(C) and Conn. Gen. Stat. §22a-134a.

In addition, during the compliance meeting you admitted to writing and submitting to your client a verification report when you knew that you had not investigated numerous areas of concern in violation of RCSA §§ 22a-133v(6)(C)(1) professional competency, 22a-133v-6(d)(3) professional conduct and 22a-133v-6(e)(3) conflict of interest.

Your failure to show compliance with the above-captioned regulatory and statutory requirements is based, primarily, on the preparation and submission of a verification report which you knew to be based upon an insufficient investigation and site characterization that you performed at the property located at 225-227 Burnside Avenue in East Hartford. Therefore, Complaint No. 09-100 will be referred to the LEP Board for further action. Should you or your attorney wish to discuss this matter further, it is requested that you contact Assistant Attorney General Jack Looney at (860) 808-5250.

Very truly yours,

Kim Maiorano
LEP Board Coordinator

JMI/km

cc: Jeff Loureiro
AAG Jack Looney