



STATE OF CONNECTICUT

VS

CONSENT ORDER NUMBER
COWSPST14-069

Issue Date September 24, 2014

SUMNER HOUSE LIMITED PARTNERSHIP,
D & B VENTURES II, LLC,
HIGH NOON ASSOCIATES, LLC, GENERAL PARTNERS

A. With the agreement of D & B Ventures II, LLC, High Noon Associates, LLC and Sumner House Limited Partnership ("collectively the Respondents"), the Commissioner of Energy & Environmental Protection ("the Commissioner") finds:

1. Respondent Sumner House Limited Partnership ("Sumner House") last filing with the Secretary of the State of Connecticut in 2007 indicates that: (a) it is a Domestic Limited Partnership whose principal business address is 274 Mountain Spring Road in Farmington, Connecticut; and (b) D & B Ventures II, LLC and High Noon Associates, LLC are General Partners of Sumner House.
2. Respondent D & B Ventures II, LLC ("D & B") last filing with the Secretary of the State of Connecticut in 2005 indicates that: (a) it is a Domestic Limited Liability company whose principal business address is 274 Mountain Spring Road in Farmington, Connecticut; and (b) Edward A. Demko is the Sole Member of D & B.
3. Respondent High Noon Associates, LLC ("High Noon") last filing with the Secretary of the State of Connecticut in 2003 indicates that: (a) it is a Domestic Limited Liability Company whose principal business address is 274 Mountain Spring Road in Farmington, Connecticut; and (b) Edward A. Demko is the Sole Member of High Noon.
4. Edward A. Demko is the sole member of D & B and High Noon, the two companies that are the General Partners of Sumner House. As such, Edward A. Demko controls Sumner House, D & B and High Noon.
5. Respondent Sumner House owns the apartments located at 57 Sumner Street in Hartford, Connecticut ("the site").

A handwritten signature in black ink, appearing to be "ED" or similar initials, located in the bottom right corner of the page.

6. On 10/2/13, employees of Respondent Sumner House applied the pesticide Drione Insecticide in a manner inconsistent with labeling by applying amounts greater than instructed in the directions for use of the product to the floor along the perimeter of the living space of apartment 603 at 57 Sumner Street in Hartford, Connecticut.

7. On or before 10/2/13, employees of Respondent Sumner House applied the pesticide Fastrac Place Pacs in a manner inconsistent with the directions for use on the product by failing to put the place pacs inside a tamper resistant bait station to keep bait out of the reach of children and pets within a closet in apartment number 603 at 57 Sumner Street in Hartford, Connecticut.

By virtue of the above, the Respondents have violated Connecticut General Statutes section 22a-61(b)(7).

B. With the agreement of the Respondents, the Commissioner, acting under §22a-6, 22a-63(d) and 22a-63(e) of the Connecticut General Statutes, orders the Respondents as follows:

1. Effective immediately upon issuance of this consent order, the Respondents shall ensure that Sumner House takes all steps necessary to comply with all applicable provisions of chapter 441 of the Connecticut General Statutes governing Pesticide Control and regulations promulgated thereunder and shall maintain such compliance.

2. The Respondents shall not use its employees, but shall hire an independent extermination business with a valid pesticide application business registration and certification in the general pest and rodent categories for extermination services at 57 Sumner Street in Hartford, Connecticut for a period of two years. This two year period shall begin on the date when, after issuance of this consent order, extermination services are first provided at 57 Sumner Street by an independent extermination business.

3. The Respondents shall submit copies of invoices and/or any record of service(s) performed at 57 Sumner Street in Hartford, Connecticut by any extermination business for the two year period specified in paragraph B.2 of this consent order. The copies required by this paragraph shall be submitted with the next quarterly progress report required by paragraph B. 4 of this consent order.

4. Progress reports: On or before the last day of September, December, March and June of each year after issuance of this consent order and continuing until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction, the Respondents shall submit a progress report to the Commissioner describing the actions which the Respondents have taken to date to comply with this consent order.

5. Full compliance. The Respondents shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction.

6. Civil penalty. On or before thirty (30) days after issuance of this consent order, the Respondents shall pay a penalty of five-hundred dollars (\$500.00) as the total civil penalty to be sought by the



Commissioner for those, and only those, violations described in paragraphs A.5 through A.6 of this consent order.

7. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection." The check shall state on its face, "BMMCA, Pesticide Management Program civil penalty, consent order COWSPST14-069."

8. Approvals. The Respondents shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies any or all of the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the Respondents shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.

9. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner of Energy and Environmental Protection.

10. Dates. The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.

11. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by the Respondent submitting such document or, if Respondent is not an individual, by Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand



that any false statement made in the submitted information may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.”

12. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is non-appealable and immediately enforceable. Failure to comply with this consent order may subject the Respondents to an injunction and penalties.

13. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.

14. Notice of transfer; liability of Respondent. Until the Respondents have fully complied with this consent order, the Respondents shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. The Respondents obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.

15. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by the Respondents pursuant to this consent order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require the Respondents to undertake further investigation or further action to prevent or abate violations or pollution.

16. Respondent's obligations under law. Nothing in this consent order shall relieve the Respondents of other obligations under applicable federal, state and local law.

17. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the Respondents pursuant to this consent order will result in compliance or prevent or abate pollution.

18. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.

19. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.

20. Notice to Commissioner of changes. Within 15 days of the date any Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such



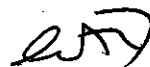
information was inaccurate or misleading or that any relevant information was omitted, such Respondent shall submit the correct or omitted information to the Commissioner.

21. Notification of noncompliance. In the event that any Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or of any document required hereunder, such Respondent shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, the Respondents shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Respondents shall comply with any dates which may be approved in writing by the Commissioner. Notification by any Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.

22. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Diane Jorsey, Environmental Analyst III
Department of Energy and Environmental Protection
Bureau of Materials Management & Compliance Assurance
Pesticide Management Program
79 Elm Street
Hartford, Connecticut 06106-5127

23. Joint and several liability. Each Respondent shall be jointly and severally liable for compliance with this consent order.



The Respondents consent to the issuance of this consent order without further notice. The undersigned certifies that he is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order.

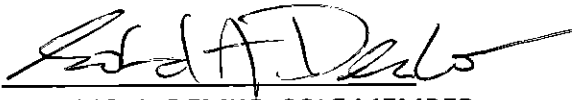
D & B VENTURES II, LLC



EDWARD A. DEMKO, SOLE MEMBER
D & B VENTURES II, LLC

9-15-14
DATE

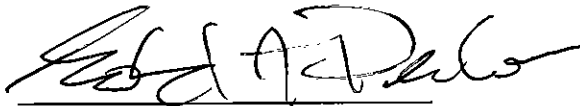
HIGH NOON ASSOCIATES, LLC



EDWARD A. DEMKO, SOLE MEMBER
HIGH NOON ASSOCIATES, LLC

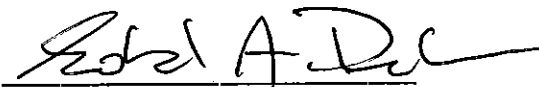
9-15-14
DATE

SUMNER HOUSE LIMITED PARTNERSHIP



D & B VENTURES II, LLC, GENERAL PARTNER
EDWARD A. DEMKO, member

9-15-14
DATE



HIGH NOON ASSOCIATES, LLC, GENERAL PARTNER
EDWARD A. DEMKO, member

9-15-14
DATE

Issued as a final order of the Commissioner of Energy and Environmental Protection.



Macky McCleary
Deputy Commissioner

9/23/14
Date