

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
BUREAU OF HEALTH SYSTEM REGULATIONS
DIVISION OF MEDICAL QUALITY ASSURANCE

In re:

Peter Holmes
Hearing Aid Dealer

Petition No. 840523-~~3~~7-005

CONSENT ORDER

WHEREAS, Peter Holmes of Portland, Connecticut, has been issued License No. 157; to practice as a hearing aid dealer by the Department of Health Services pursuant to Chapter 398 of the General Statutes of Connecticut, as amended; and

WHEREAS, Peter Holmes hereby admits and acknowledges that:

1. During a sale of hearing aids in 1983 to Robert Graham, Peter Holmes utilized a contract which did not conform to §20-402a of the Connecticut General Statutes.
2. After the timely return of the hearing aids by Robert Graham, Peter Holmes failed to adequately refund Mr. Graham in a timely manner.
3. By his actions described in (1) and (2) he has violated the provisions of §20-404(a) of the General Statutes of Connecticut by failing to conform to the accepted standards of hearing aid dealers.

NOW THEREFORE, pursuant to §19a-17 and §20-404 of the Connecticut General Statutes, as amended, Peter Holmes hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter.
2. That he is hereby assessed a civil penalty of \$500.00 for failing to comply with the provisions of §20-404 of the General Statutes of Connecticut. Said penalty is to be paid to the Treasurer, State of Connecticut, and forwarded to the Department of Health Service, Public Health Hearing Office, 150 Washington Street, Hartford, Connecticut 06106. Payment of the aforementioned fine shall be by certified check and shall accompany this document upon execution by the respondent, Peter Holmes.
3. That his license to practice as an hearing aid dealer is suspended for a period of two years from the effective date of this Consent Order.
4. That said suspension shall be stayed immediately and he will be placed on probation for a remaining two years, and entitled to practice as an hearing aid dealer conditioned on the terms of probation as follows:
 - (a) That all contracts used in the sale of hearing aids will conform to the provisions of Chapter 398 of the Connecticut General Statutes.
 - (b) That he will utilize a separate carbon copy form that quotes verbatim §20-402a(b) of the Connecticut General Statutes and explains the refund policy, to be signed and dated by the purchaser and the hearing aid dealer.
5. That any violation of the terms of probation specified in 4.(a) or 4.(b), herein shall constitute a violation of probation and may result in the lifting of the stay of said suspension and the full two year suspension shall be in full force and effect.

6. That this Consent Order may be considered as evidence of the above admitted violations in any proceeding brought by the Commissioner of the Department of Health Services (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-404 of the General Statutes of Connecticut, as amended, is at issue.
7. That subject to satisfactory completion of the terms of the suspension and the terms of probation his license to practice as a hearing aid dealer in the State of Connecticut shall be fully restored.
8. That 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, that said order is not subject to appeal or review under the provisions of Chapter 54 or 368a of the General Statutes of Connecticut, as amended, provided that this stipulation shall not deprive him of any other rights that he may have under the laws of the State of Connecticut or of the United States.
9. That he has consulted with an attorney prior to signing this document.
10. That he understands that notice of this Consent Order is a matter of public record.
11. That this Consent Order will be effective the first day of the next month after which the seal of the last signatory is affixed to this document.

I, Peter Holmes, have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to my free act and deed.

Peter Holmes
Peter Holmes

Subscribed and sworn to before me this 15th day of January 198~~8~~⁶.

James A. Brennan
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 Health Services on the 21 day of January 198~~8~~⁶, it is hereby ordered and accepted.

Christine B. Spak
Christine B. Spak, Chief
Public Health Hearing Office

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