

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. _____

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

In re: Harold L. Davey, Sr., L.O.

Petition No. 910318-38-001

CONSENT ORDER

WHEREAS, Harold L. Davey, Sr. L.O., of 51 Elsie Drive, Manchester, Connecticut, has been issued license number 000313, to practice as an optician by the Department of Health Services pursuant to Chapter 381 of the General Statutes of Connecticut, as amended; and

WHEREAS, Harold L. Davey, Sr., L.O., hereinafter referred to as the Respondent, hereby admits as follows:

1. That during 1989, he failed to register Barry J. Moynihan as an apprentice.
2. That he acted in good faith, based on his belief that an employee must meet certain standards of competence, willingness and attendance before being registered and his further understanding of the application of the Apprentice Rules by the Connecticut Board of Examiners of Opticians..
3. That he holds Optical Shop Permit License Number #001230 for the Optical Style Bar, Inc. in Manchester, Connecticut, where Barry J. Moynihan was employed.
4. That by his actions in (1) and (2) above he has violated the provisions of §20-154 and §20-159 of the General Statutes of Connecticut by failing to conform to the accepted standards of the optical profession.

NOW THEREFORE, pursuant to §19a-17 and §20-154 of the General Statutes of Connecticut, Harold L. Davey Sr. hereby stipulates and agrees to the following:

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1. That he waives his right to a hearing on the merits of this matter;
 2. That all optician apprentices henceforth employed by the Respondent performing apprenticeship duties shall be registered in accordance with Connecticut General Statutes §20-159.
 3. That any deviation by the Respondent from the terms specified above shall constitute a violation and will result in the following procedure:
 - a. That he will be notified in writing that the term(s) of the Consent Order have been violated provided no prior written consent for deviation from the term(s) had been granted by the Department of Health Services.
 - b. That said notification shall include the act(s) or omission(s) which violate the order.
 - c. That he will be allowed fifteen (15) days to demonstrate to the Department of Health Services that he was in compliance with the terms of the order, or to cure the violation of the terms of the order.
 - d. That if he 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 of Health Services, a hearing will be held before the Connecticut Board of Examiners for Opticians.
 - e. Evidence presented to said Board by either the Department of Health Services or the Respondent shall be limited to the alleged violation(s) of the term(s) of the Consent Order.
 5. That he understands that this Consent Order is a matter of public record.

6. That he understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Connecticut Board of Examiners for Opticians (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-154 of the General Statutes of Connecticut, as amended, is at issue.
7. 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 Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive him of any rights that he may have under the laws of the State of Connecticut or of the United States.
8. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department of Health Services at any time prior to its being executed by the last signatory.
9. That this Consent Order is effective the first day of the next month after which the seal of the last signatory is fixed to this document.
10. That he permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance, Connecticut Department of Health Services to present this Consent Order and the factual basis for said Consent Order to the Connecticut Board of Examiners for Opticians. He understands that said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted.
11. That he has consulted with an attorney prior to signing this document.

I, Harold L. Davey, Sr., L.O., 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 be my free act and deed.



Harold L. Davey, Sr., L.O.

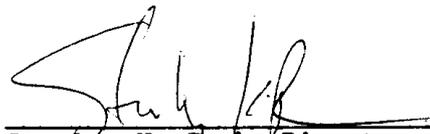
Subscribed and sworn to before me this *20th* day of *September* 1991.



Notary Public or person authorized
by law to administer an oath or
affirmation

My Commission Expires Mar. 31, 1992

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Health Services on the *11th* day of *October* 1991, it is hereby accepted.



Stanley K. Beck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Opticians on the *5th* day of *October* 1991, it is hereby ordered and accepted.



Connecticut Board of Examiners for
Opticians

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