

JAN. 8. 2002 2:05PM

CUMMING & LOCKWOOD

NO. 846 P. 3

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

In re: Glenn Bemus, LO

Petition No. 2000-0522-038-001

CEASE AND DESIST CONSENT ORDER

WHEREAS, the Connecticut Board of Examiners for Opticians (hereinafter "the Board") is a state agency charged with the regulation of the professional practice of opticianry;

WHEREAS, the Board is authorized by the General Statutes of Connecticut §19a-11 to issue an appropriate order to any person found to be violating an applicable statute;

WHEREAS, Glenn Bemus of Westport, Connecticut (hereinafter "respondent") has been issued license number 001115 to practice opticianry by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 381 of the General Statutes of Connecticut;

WHEREAS, during the time period of February 2000 and up until ~~the present time~~ ^{July 23, 2001}, respondent has engaged in the practice of selling, dispensing and/or supplying of ophthalmic lenses and kindred products and/or mounting of the same to supporting materials over the Internet without a fitting by an optician at the time of delivery;

WHEREAS, respondent in consideration of this Cease and Desist Consent Order (hereinafter "Consent Order"), has chosen not to contest the above allegations of wrongdoing but, while he does not admit to having violated any statute or regulation, including but not limited to General Statutes of Connecticut §20-154, he agrees that for purposes of this or any future proceedings before the

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Board, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§ 19a-10, 19a-17, and 20-154 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to Chapter 381 and §19a-11 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. He waives his right to a hearing on the merits of this matter.
2. He agrees to cease and desist in the practice of selling, dispensing, and/or supplying ophthalmic lenses and kindred products and/or mounting of the same to supporting materials via the Internet from a location within the State of Connecticut without a fitting by an optician at the time of delivery until such time as the Board or the Legislature establishes a policy authorizing such practice in the State of Connecticut.
3. This Consent Order is effective after the last signatory is affixed to this document.
4. This Consent Order is a matter of public record.
5. The Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which his compliance with this Consent Order or with §20-154 of the General Statutes of Connecticut, as amended, is at issue.
6. 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 Consent 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 respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.

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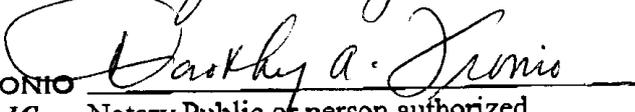
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7. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
8. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services of the Department to present this Consent Order and the factual basis for said Consent Order to the Board. Respondent understands that said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted.
9. Respondent understands that he has the right to consult with an attorney prior to signing this document.

I, Glenn Bemus, LO, have read the above Cease and Desist Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Cease and Desist Consent Order to be my free act and deed.


Glenn Bemus

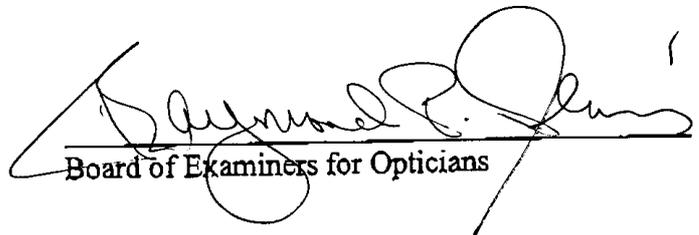
Subscribed and sworn to before me this 8th day of January 2001/2002


DOROTHY A. FRONIO
NOTARY PUBLIC Notary Public of person authorized
MY COMMISSION EXPIRES 1/31/04 by law to administer an oath or affirmation

The above Cease and Desist Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 11th day of January 2001/2002, it is hereby accepted.


Debra J. Turcotte, Director
Division of Health Systems Regulation

The above Cease and Desist Consent Order having been presented to the duly appointed agent of the Board of Examiners for Opticians on the 13th day of FEBRUARY 2001/2002, it is hereby ordered and accepted.


Board of Examiners for Opticians

RAS/Bemus/legal/C&D/6/18/01