

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: Cole Vision Corporation

Petition No. 911011-57-001

Lic# 1226

CONSENT ORDER

WHEREAS, Cole Vision Corporation of Warrensville Heights, Ohio is licensed to do business in the State of Connecticut to provide optical services; and

WHEREAS, Cole Vision Corporation, through its duly appointed officer hereby admits:

1. That it operates an optical shop at the Cross Roads Mall in Bridgeport, CT.
2. That the optical permit for the shop in the Cross Roads Mall in Bridgeport, CT is held in the name of Cole Vision Corporation.
3. That on or about March 28, 1990, there was only one licensed optician employed at the above-referenced shop.
4. That on March 28, 1990, the optician was not scheduled to work and the shop remained open for business.
5. That the only individual employed at the above-referenced shop on March 28, 1990 was a receptionist.
6. That the activities described above violate Connecticut General Statutes §20-153 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, Cole Vision Corporation, through its duly appointed officer hereby stipulates and agrees to the following:

1. That the right to a hearing on the merits of this matter is waived;

2. That the corporation agrees that from this point in time, there will be a licensee on the premises at all times that a Cole Vision Corporation Optical Shop located in Connecticut is open to the public.
3. That Cole Vision Corporation is hereby fined \$1000.00, which fine is payable by certified check to "Treasurer, State of Connecticut", and will accompany this Consent Order when signed by the Respondent.
4. That it is understood 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 Corporate compliance with this same order is at issue, or (2) in which compliance with Chapter 381 of the General Statutes of Connecticut, as amended, is at issue.
5. 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 the Corporation of any rights that he may have under the laws of the State of Connecticut or of the United States.
6. That 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.

7. 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.
8. That the Corporation 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 Board of Examiners for Opticians. It is understood that the Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted.
9. That there has been consultation with an attorney prior to signing this document.

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Cole Vision Corporation through its duly appointed officer, has read the above Consent Order, and the terms and allegations set forth therein are agreed and admitted to. It is further declared the execution of this Consent Order to be a free act and deed.

COLE VISION CORPORATION

Mark W. Valentine  
Mark W. Valentine  
Vice President

Subscribed and sworn to before me this 29th day of August, 1991.

David J. Sherriff  
Notary Public or person authorized  
by law to administer an oath or  
affirmation

DAVID J. SHERRIFF, Attorney At Law  
Notary Public - State of Ohio  
My commission has no expiration date.  
Section 147.03 R. C.

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Health Services on the 29th day of

September 1991, it is hereby accepted.

Stanley K. Peck  
Stanley K. Peck, 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 15th day of October, 1991, it is hereby ordered and accepted.

Connecticut Board of Examiners for Opticians