

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. Z 712 658824

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

In re: Wholesale Depot Vision Center      Petition No. 940309-57-002  
60 Pershing Drive  
Derby, CT 06418

Lic# 001484

PRE-PERMIT CONSENT ORDER

Wholesale Depot Vision Center of Derby, Connecticut (hereinafter "respondent") has applied to the Department of Public Health and Addiction Services (hereinafter "the Department") for an optical selling permit pursuant to Chapter 381 of the General Statutes of Connecticut, as amended.

Respondent hereby admits as follows:

- A. Respondent opened as a separate department of Wholesale Depot Corporation's Derby, Connecticut store on or about October 4, 1993.
- B. Between approximately October 4, 1993 and February 3, 1994, respondent engaged in the retail sale of optical glasses, kindred products and/or other instruments to aid vision produced or reproduced to personalized given formulae, without having first obtained an Optical Selling Permit from the Department.
- C. The conduct described in paragraph B above constitutes a violation of General Statutes of Connecticut §20-150.

Respondent has applied to the Department for an Optical Selling Permit pursuant to Connecticut General Statutes §20-151, and wishes to resolve this matter without the necessity for action by the Department to deny such application and/or a formal hearing.

NOW THEREFORE, pursuant to §19a-17 and §20-154 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to registered optical establishments, offices or stores.
3. Respondent shall pay a civil penalty of ~~\$5000.00~~ <sup>\$750.00</sup> on or by 3/10/94, 1994. *gn*  
*719P*
4. Subject to completion of all requirements for issuance of an Optical Selling Permit with the Department, payment of the civil penalty set forth above, and compliance with all other terms of this PRE-CERTIFICATION CONSENT ORDER (hereinafter "this ORDER"), respondent shall be issued an Optical Selling Permit.
5. If respondent does not pay the civil penalty provided for above in timely fashion and meet all other terms and conditions of this ORDER, respondent's application for issuance of an Optical Selling Permit may be denied by the Department.

6. Any deviation from the terms of this ORDER without prior written approval of the Department shall constitute a violation of this ORDER. Any violation of this ORDER shall result in the right of the Department to deny respondent's application for an Optical Selling Permit, revoke any such Permit previously issued, or take any other action authorized by Connecticut General Statutes §19a-17.
7. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
8. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department.
9. All correspondence and reports are to be addressed to :

Joseph Gillen, Section Chief  
Applications, Examinations & Licensure  
Department of Public Health and Addiction Services  
150 Washington Street  
Hartford, Connecticut 06106

10. Respondent understands that this ORDER may be considered as evidence in any future proceeding in which its compliance with §20-139, et seq, of the General Statutes of Connecticut, as amended, is at issue.
11. Respondent understands that this ORDER is a matter of public record.

12. This ORDER and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this ORDER is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.
13. This ORDER is a revocable offer which may be modified in writing by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
14. Respondent has had an opportunity to consult with an attorney prior to signing this document.

I, Mauricio Barreiro, Vice-President and duly authorized agent for Wholesale Depot Corporation, the owner of Wholesale Depot Vision Center, Derby, Connecticut, have read and understand the above PRE-PERMIT CONSENT ORDER, and on behalf of Wholesale Depot Corporation, I agree and stipulate to the terms set forth therein. I further declare the execution of this ORDER to be the free and voluntary act and deed of Wholesale Depot Corporation.

Wholesale Depot Vision Center

By: Michael J. Bilotti  
Michael J. Bilotti Vice-President  
Its duly authorized agent

Subscribed and sworn to before me this 9<sup>th</sup> day of March, 1994.

David H. Desatnick  
Notary Public or person authorized by  
law to administer an oath or affirmation

My Commission Expires June 25, 1998

The above PRE-PERMIT CONSENT ORDER having been presented to the duly appointed agent of the Commissioner of the Department of Public Health and Addiction Services on the 15<sup>th</sup> day of March, 1994, it is hereby ordered and accepted.

Stanley K. Peck  
Stanley K. Peck, Director  
Division of Medical Quality Assurance

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