

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**State Of Wisconsin**

**Before The Hearing and Speech Examining Board**

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In The Matter Of Disciplinary Proceedings Against:

ANDREW R. ARNOLD,

FINAL DECISION AND ORDER

Respondent

LS0206101HAD

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Division of Enforcement Case #01 HAD 004

The parties to this action for the purposes of Wis. Stats. §. 227.53 are:

Andrew R. Arnold

707 Lynn Drive

West Salem, WI 54669

Wisconsin Hearing and Speech Examining Board

P. O. Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

P. O. Box 8935

Madison, WI 53708-8935

The Wisconsin Hearing and Speech Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Andrew R. Arnold, personally on his own behalf, and by Michael J. Berndt, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Hearing and Speech Examining Board makes the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. Andrew R. Arnold, 707 Lynn Drive, West Salem, Wisconsin, 54669, has been licensed in the State of Wisconsin to engage in the practice of selling and fitting hearing aids since July 25, 1991, license #908.
2. On December 4, 1995 the Hearing and Speech Examining Board signed an Order reprimanding Mr. Arnold.
3. On March 1, 2001 Respondent performed audiometric testing on a client for hearing aids and entered into a contract with the same client to purchase new hearing aids. According to the Respondent, the contract was canceled March 2, 2001, thus no money was exchanged between Respondent and client.
4. In a letter to the Department of Regulation and Licensing, postmarked October 17, 2001, Respondent stated he destroyed the records relating to the client referred to in paragraph 3, above.
5. On October 22, 2001 Respondent stated to an investigator with the Department of Regulation and Licensing that he did not maintain the records of calibrations of his audiometric testing equipment.

**CONCLUSIONS OF LAW**

1. The Wisconsin Hearing and Speech Examining Board has jurisdiction in this matter pursuant to § 459.10, Stats.

2. The Hearing and Speech Examining Board has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to § 227.44(5), Stats.
3. Mr. Arnold's failure to maintain client records is a violation of Wis. Admin. Code § HAS 5.02(2)(d).
4. Mr. Arnold's failure to maintain records of his calibrations of his audiometric testing equipment is a violation of Wis. Admin. Code § HAS 5.02(2)(fm).
5. The Wisconsin Hearing and Speech Examining Board has the authority pursuant to § 440.22, Stats., to assess the costs of this proceeding against Mr. Arnold.

**ORDER**

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that Andrew R. Arnold, license #908, is REPRIMANDED.

IT IS FURTHER ORDERED that Andrew R. Arnold shall pay costs in the amount of \$600.00 to the Department of Regulation and Licensing, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935 within 60 days of the date of this Final Decision and Order.

IT IS FURTHER ORDERED that Andrew R. Arnold's license will be suspended for a period of 14 days commencing on August 27, 2002, with the last day of suspension being September 9, 2002. On this date, Mr. Arnold will appear before the Hearing and Speech Examining Board to demonstrate to the Board compliance with all of the terms of this Order. At this time, Mr. Arnold will also be required to sign an affidavit that he has fully complied with all the terms of this Order and that he has not engaged in any activities requiring a license to practice as a hearing instrument specialist during the 14 day period of suspension. Should the Board cancel its meeting on that date, Mr. Arnold's suspension will terminate and he will be permitted to resume practice on the following day. However, Mr. Arnold will still be required to appear before the Board at the next regularly scheduled meeting of the Board. If Mr. Arnold demonstrates compliance with the terms of this Order, the Hearing and Speech Examining Board will reinstate a full and unrestricted license.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Hearing and Speech Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin, this 10<sup>th</sup> day of June, 2002

WISCONSIN HEARING AND SPEECH EXAMINING BOARD

Gerald Kupperman

Member, Wisconsin Hearing and Speech Examining Board