

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
CLEMENCE C. RAU, B.C., H.I.S.	:	
RESPONDENT.	:	<u>ORDER 0000812</u>

[Division of Enforcement Case #08 HAD 15]

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

Clemence C. Rau, B.C., H.I.S.
1427 Devney Drive
Altoona, WI 54720

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Hearing and Speech Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Hearing and Speech Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Clemence C. Rau, B.C., H.I.S. ("Respondent") was born on July 26, 1934, and is licensed to practice as a hearing instrument specialist in the state of Wisconsin pursuant to license number 108-60. This license was first granted on June 29, 1970.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 1427 Devney Drive, Altoona, WI 54720.

3. At all times relevant to this proceeding, Respondent was working as a hearing instrument specialist at Better Hearing Aids of Eau Claire, Inc. in Eau Claire, Wisconsin.

4. Respondent's hearing instrument license expired on September 2, 2005 and he was not allowed to renew his license until he resolved a tax delinquency issue with the Wisconsin Department of Revenue. On September 22, 2009, Respondent resolved this issue and his license was renewed. From September 2, 2005, through September 22, 2009, Respondent continued to practice as a hearing instrument specialist without a current license.

CONCLUSIONS OF LAW

1. The Wisconsin Hearing and Speech Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §459.10, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct of continuing to advertise his services as a hearing aid specialist, and of continuing to sell and fit hearing aids while unlicensed as described in paragraph 5, above, constitutes a violation of Wis. Stat. § 459.02(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Clemence C. Rau's license to practice as a hearing instrument specialist is hereby **SUSPENDED** for a period of thirty (30) days effective immediately. Respondent shall not practice as a hearing instrument specialist in the state of Wisconsin during the time that his license is suspended.

2. Respondent shall, within ninety (90) days from the date of this Order, pay to the Department of Regulation and Licensing a **FORFEITURE** in the amount of five HUNDRED DOLLARS (\$500.00), pursuant to Wis. Stat. § 459.34(3).

3. Respondent shall, within ninety (90) days from the date of this Order, pay **COSTS** of this proceeding in the amount of **SEVEN HUNDRED FIFTY DOLLARS (\$750.00)**. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:


Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as set forth above, the Respondent's license (#108-60) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the payment of the costs.

4. This Order is effective on the date of its signing.

Wisconsin Hearing and Speech Examining Board

By:



A Member of the Board

04/25/2011
Date