

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT S. DOHE,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002078

Division of Enforcement Case No. 11 HAD 009

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

Robert S. Dohe
W1164 Illinois Avenue
Green Lake, WI 54941

Wisconsin Hearing and Speech Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

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

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Robert S. Dohe (dob September 9, 1958) is licensed in the State of Wisconsin as a hearing instrument specialist, having license number 60-1340, first issued on August 19, 2010 and current through January 31, 2013. Robert S. Dohe's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W1164 Illinois Avenue, Green Lake, WI 54941.

2. At all times relevant to this proceeding, Respondent was employed by Professional Hearing & Audiology Clinics in Oshkosh, Madison, Janesville, and Kenosha, Wisconsin.

3. On September 12, 2011, Respondent's business ran an advertisement in The Oshkosh Northwestern for his Oshkosh, Wisconsin, location. The advertisement was for digital hearing instruments all styles from \$597 each.

4. On September 26, 2011, Respondent's business ran an advertisement in The Oshkosh Northwestern for his Oshkosh, Wisconsin, location. The advertisement was for: custom fit in-the-ear (ite) hearing instruments for \$495 each, at a claimed savings of 50% off the retail price of \$990; custom in-the-canal (itc) hearing instruments for \$695 each, at a claimed savings of 50% off the retail price of \$1390; custom completely-in-the-canal (cic) hearing instruments for \$895.00 each, at a claimed savings of 50% off the regular \$1790.00, and custom open ear fit, behind the ear hearing instruments for \$795.00 each, at a claimed savings of 50% off the regular \$1590.00.

5. Respondent did not specify the manufacturer, make and model number of any hearing instrument in the advertisements, thus making it impossible for any consumer to evaluate the truth of the supposed sale prices or make any price comparisons.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Robert S. Dohe violated Wis. Admin. Code. § ATCP 124.03(2) by advertising a price comparison without disclosing material information essential to consumer understanding of the comparisons made.

3. As a result of the above violations, Robert S. Dohe is subject to discipline pursuant to Wis. Stat. § 459.10(1)(k).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Robert S. Dohe is REPRIMANDED.

3. Within 90 days from the date of this Order, Robert S. Dohe shall pay COSTS of this matter in the amount of \$300.00.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935

Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. 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 ordered, Respondent's license (no. 60-1340) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN HEARING AND SPEECH EXAMINING BOARD

by: Peter J. Zellmer
A Member of the Board

10-16-2012
Date