

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 :
 : FINAL DECISION AND ORDER
PHILLIP N. HEISTAD, :
RESPONDENT. :

0004294

Division of Legal Services and Compliance Case No. 15 HAD 004

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

Phillip N. Heistad
1226 Lake Street
White Lake, WI 54491

Wisconsin Hearing and Speech Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
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 Wisconsin 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 Phillip N. Heistad, (dob May 17, 1944) is licensed in the state of Wisconsin to practice as a hearing instrument specialist, having license number 1182-60, first granted on May 15, 2000, and current through January 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1226 Lake Street, White Lake, Wisconsin 54491.

2. On March 9, 2015, the Wisconsin Department of Safety & Professional Services received a complaint involving the Respondent. The complaint alleges that the Respondent's employee sold her a set of hearing aids in February 2015 and told her to return in March for adjustments.

3. The complainant returned to the Respondent's business in March 2015 to find the business closed. The complainant called Respondent's business telephone number and was unable to leave a message due to the voicemail box being full.

4. Respondent informed the Department that he had sold his business and closed the location without notice to customers and without providing any effective contact information to his customers.

5. Respondent has retired and tenders the surrender of his license (no. 1182-60).

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, Respondent committed unprofessional conduct by abandoning his patients and violating the terms of the warranties he sold to his customers, in violation of Wis. Stat. §§ 459.10(1)(g), (h), (k), and (r).

3. Respondent is subject to discipline pursuant to Wis. Stat. § 459.10(1).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER of the license by Phillip N. Heistad, (license no. 1182-60) to practice as a hearing instrument specialist in the state of Wisconsin and the right to renew that license is hereby accepted, effective the date of this Order.

3. In the event that Respondent petitions the Wisconsin Hearing and Speech Examining Board for re-licensure to practice as a hearing instrument specialist in the future, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the discretion of the Board.

4. Within 90 days from the date of this Order, Phillip N. Heistad, shall pay COSTS of this matter in the amount of \$300.00.

5. Respondent shall mail or physically deliver all indicia of Wisconsin of his credential as a hearing instrument specialist to the Department Monitor at the address below within 14 days of the effective date of this Order.

6. 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 Legal Services and Compliance
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

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

WISCONSIN HEARING AND SPEECH EXAMINING BOARD

by: Th W. Sab
A Member of the Board

10/12/15
Date

STATE OF WISCONSIN
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PHILLIP N. HEISTAD,
RESPONDENT.

:
:
:
:
:

STIPULATION

000429^h

Division of Legal Services and Compliance Case No. 15 HAD 004

Respondent Phillip N. Heistad and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Hearing and Speech Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

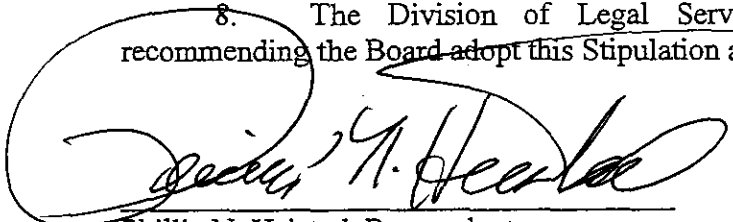
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Phillip N. Heistad, Respondent
1226 Lake Street
White Lake, WI 54491
License No. 1182-60

9-12-15
Date

James Polewski
James Polewski, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

Sept 17, 2015
Date