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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF )     **STIPULATION AND ORDER**  
**DANIEL FINLAY** )  
TO PRACTICE AS A )  
HEARING INSTRUMENT SPECIALIST )     CASE NO DOPL 2007- 78  
IN THE STATE OF UTAH )

**DANIEL FINLAY** ("Respondent") and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Hearing Instrument Specialist Licensing Board ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

7 Respondent admits the following facts are true

- a On or about September 28, 2006, Respondent submitted false information on his Utah Hearing Instrument Specialist license renewal application form The Affidavit/Signature section of the application reads "I hereby certify that I have completed or will complete all renewal requirements, if applicable, including those specified below before the expiration or reinstated of my license" The Renewal Requirement section of the application states, in part, " during the past 2 years, you must have completed 20 hours of continuing education in courses approved by the American Speech-Language-Hearing Association (ASHA) or the International Hearing National Board for Certification Hearing Instrument Sciences " Respondent signed the application form affirming that he would complete the required 20 hours of continuing professional education by September 30, 2006 Respondent did not complete the

required 20 hours of continuing education before the expiration of his license on September 30, 2006

- b On or about September 28, 2006, Respondent signed the name of his wife, Susan Finlay, to her Utah Hearing Instrument Specialist license application form and submitted false information on her licensure renewal application form. The Affidavit/Signature section of the application reads "I hereby certify that I have completed or will complete all renewal requirements, if applicable, including those specified below before the expiration or reinstated of my license." The Renewal Requirements section of the application says, in part, "during the past 2 years, you must have completed 20 hours of continuing education in courses approved by the American Speech-Language-Hearing Association (ASHA) or the International Hearing National Board for Certification Hearing Instrument Sciences." Respondent affirmed by signing the application that his wife, Susan Finlay, would complete the 20 hours continuing education by September 30, 2006. Susan Finlay did not complete the required 20 hours of continuing education by September 30, 2006.

8 Respondent admits the conduct described above constitutes unprofessional conduct as defined in Utah Code Ann. § 58-1-501(1)(a), and unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(e) and grounds for sanctioning his license under Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent hereby surrenders Respondent's license to practice as a Hearing Instrument Specialist in the State of Utah. The acceptance of the surrender and the issuance of the Order in this matter is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). Respondent agrees not to reapply for licensure as a Hearing Instrument Specialist in the State of Utah for (5) five years from the effective date of this Stipulation and Order. The Division does not guarantee that any future application by Respondent for licensure will be granted. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a Hearing Instrument

Specialist in the State of Utah Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division

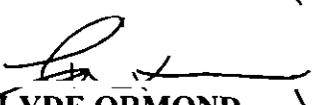
9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation

11 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law

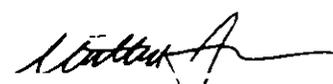
12 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY   
**CLYDE ORMOND**  
Bureau Manager

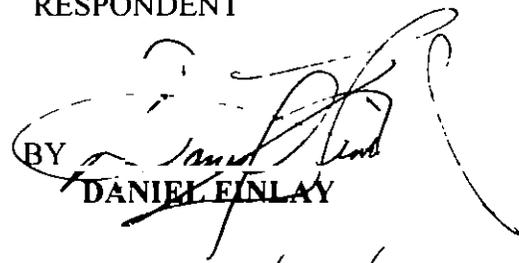
DATE 4/11/07

MARK L SHURTLEFF  
ATTORNEY GENERAL

BY   
**L. MITCHELL JONES**  
Counsel for the Division

DATE 11 Apr 2007

RESPONDENT

BY   
**DANIEL EINLAY**

DATE 4/11/07

**ORDER**

THE ABOVE STIPULATION, in the matter of **DANIEL FINLAY**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 13 day of April, 2007

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING



**F. DAVID STANLEY**  
Director

Investigator Pam Bennett