

At a Special Term, Part I
the Supreme Court of the
State of New York, County
of New York, at 60 Centre
Street, New York, New York,
on the 30th day of December,
1985.

P R E S E N T:

Hon. Lester Evens

Justice

-----x
PEOPLE OF THE STATE OF NEW YORK, by
ROBERT ABRAMS, Attorney General of the
State of New York,

Petitioner,

CONSENT ORDER

-against-

Index No. 42131/85

GARY V. PACE,

Respondent.
-----x

Petitioners having commenced a special proceeding pursuant
to Executive Law Sect. 63(12) and General Business Law Article 22-A
against respondent,

NOW, UPON reading and filing the Order to Show Cause with
Temporary Restraining Order, dated July 25, 1985, and the Verified
Petition dated July 22, 1985 and the affirmation of Assistant Attorney
General Leslie E. Ross^un, dated July 22, 1985, and

UPON the consent and stipulation by and between the parties
dated December 30th, 1985, whereby respondent, represented by his
counsel, Baumgarten, Swiedler & Waxman, consents to the entry of this
order for settlement purposes only and without trial or adjudication of

any of the issues of fact or law herein, and without admission with respect to any such issue,

NOW, on motion of Robert Abrams, Attorney General of the State of New York (Peter Bienstock, Stephen Mindell and Leslie E. Rossen, of counsel) attorney for the petitioners, it is

ORDERED, that respondent, including his assigns and successors in interest, be and he hereby is:

1. Permanently enjoined from engaging in the unlicensed practice of medicine and performing physical examinations;
2. Permanently enjoined from appending the initials "PH.D" to his name or from using the appellation "Dr." in the course of business or other dealings with the public until and unless said respondent has received such a degree from a duly authorized institution recognized by the New York State Commissioner of Education;
3. Permanently enjoined from further engaging in the business of nutrition advice and counselling unless and until respondent either (a) becomes licensed or registered by the State of New York or (b) respondent files with the Secretary of State a bond in the amount of \$150,000 written by a company duly recognized and approved by the Superintendent of Insurance and approved by the Secretary of State with respect to its form, manner of execution and sufficiency; and it is further

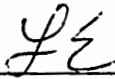
ORDERED, that the respondent shall pay petitioners the sum of \$2,000.00 costs, and it is further

ORDERED, that the respondent is directed to pay restitution to consumers and penalties in an amount to be agreed upon by the parties. The Court shall retain jurisdiction of this case to assure compliance with this paragraph and in the event the parties cannot agree as to the amount of restitution and penalties and/or to the individuals entitled thereto within 90 days of the entry of this order. the Attorney General shall notify the Court of such failure to agree

and the matter shall then be referred to a special referee to hear and report with respect to who is an aggrieved consumer and as to the amount of the penalties and restitution made to such aggrieved consumer in each case; and it is further

ORDERED, that either party to this proceeding may apply to the court at any time on five days ^{written} notice for such further order or directions as may be necessary or appropriate for the enforcement or construction of this Order.

E N T E R:



J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
PEOPLE OF THE STATE OF NEW YORK, by
ROBERT ABRAMS, Attorney General of the :
State of New York,

Petitioner, :

CONSENT AND
STIPULATION

- against - :

GARY V. PACE, :

Index No.
42131/85

Respondent. :

-----X

IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED
by and between petitioners, represented by the Attorney
General of the State of New York, ROBERT ABRAMS, and
respondent, GARY V. PACE, represented by his counsel,
Baumgarten, Swiedler & Waxman as follows:

1. Respondent has received and reviewed a copy of the annexed Order and, upon the advice of his counsel, has approved the entry thereof without further notice.
2. Respondent while denying responsibility for the violations alleged in the petition, nevertheless enters into this consent and stipulation for settlement purposes only and without trial and adjudication of any issues of fact or law and without admission that respondent violated the law.
3. Respondent agrees to pay the Attorney General \$2000 in costs.

In agreement hereto, the following signatures have
been affixed this 27th day of December, 1985.

ROBERT ABRAMS
Attorney General of the
State of New York

By:

Peter Bienstock / pwc
PETER BIENSTOCK
Assistant Attorney General
In Charge
Bureau of Consumer Frauds
and Protection

Stephen Mindell
STEPHEN MINDELL
Assistant Attorney General
In Charge
Special Projects

Leslie E. Rossen
LESLIE E. ROSSEN
Assistant Attorney General

Gary V. Pace
GARY PACE

Silney Baumgarten
BAUMGARTEN, SWIEDLER
& WAXMAN
Attorneys for Respondent