

STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES  
BOARD OF OSTEOPATHIC MEDICINE & SURGERY  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

SANDOR OLAH, D.O.

Docket No. 97-0165

Complaint No. 51-96-0667-00

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint and amended administrative complaints were filed with the Disciplinary Subcommittee of the Board of Osteopathic Medicine & Surgery on March 14, 1997, March 20, 1997, April 4, 1997, August 26, 1998 and September 8, 1998, respectively, charging Sandor Olah, D.O. (Respondent) with having violated sections 16221(a), (b)(i), (b)(v), (b)(vi), (d)(i), and (e)(iii), of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 *et seq*; MSA 14.15(1101) *et seq*.

A hearing on a petition to dissolve the Department's order of summary suspension was conducted on April 21, 1997, following which the administrative hearing officer entered an order continuing the summary suspension.

By stipulation contained in this document, Respondent does not contest the allegations of fact and law in the complaint. Respondent understands that by pleading no contest he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint. Respondent agrees that the Disciplinary Subcommittee may enter an order treating the allegations as true.

By stipulation contained in this document, the parties have agreed that the Disciplinary Subcommittee shall dismiss Counts III and IV of the complaint alleging violation of section 16221(d)(i) and (e)(iii) of the Public Health Code. The dismissed allegations are as follows: Section 16221(d)(i) false or misleading advertising; and Section 16221(e)(iii) promotion for personal gain of a unnecessary drug, device, treatment, procedure, or service.

The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaints.

Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaints are true and constitute violation of section 16221(a), (b)(i), (b)(v) and (b)(vi) of the Public Health Code.

Accordingly,

IT IS ORDERED that for each of the violations Respondent's license is REVOKED commencing on the effective date of this order. The revocations shall run concurrently.

IT IS ORDERED that the order of summary suspension previously issued is DISSOLVED commencing on the effective date of this order.

IT IS ORDERED that Respondent shall receive partial credit for the time during which the order of summary suspension was in effect. The revocation will be retroactive to April 21, 1997.

Signed this 17<sup>th</sup> day of April, 1999.

MICHIGAN BOARD OF OSTEOPATHIC  
MEDICINE & SURGERY

By [Signature]  
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate and agree as follows:

1. Respondent does not contest the allegations set forth in the complaint and first amended complaint and agrees that the Disciplinary Subcommittee may treat the allegations of fact and law as true, which finding shall have the same force and effect for purposes of this consent order as if evidence and argument were presented in support of the allegations. Further, Respondent understands and intends that by so stating he is not admitting the truth of the allegations but is agreeing that the Disciplinary Subcommittee may enter its order treating the allegations as true for purpose of resolution of the complaints.

2. Respondent understands and intends that by signing this stipulation he is waiving the right pursuant to the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 21.201 *et seq*; MSA 3.560(101) *et seq*, to require the State to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative.

3. Counts III and IV, alleging violations of Section 16221(d)(i) and (e)(iii) of

the complaint shall be dismissed by order of the Disciplinary Subcommittee.

4. Factors taken into consideration when determining the proposed sanction include the following:

- A. The summary suspension has been in place since April 21, 1997.

5. Respondent understands that reinstatement of the license at the end of the revocation period is not automatic but that pursuant to sections 16245 and 16247 of the Public Health Code, and rules promulgated thereunder, a petition for reinstatement must be filed and Respondent must establish by clear and convincing evidence that he is of good moral character, is able to practice the profession with reasonable skill and safety, and that it is in the public interest for the license to be reinstated.

6. Respondent understands that reclassification of the license is not automatic but that pursuant to section 16249 of the Public Health Code, and rules promulgated pursuant thereto, Respondent must establish that he will practice in a safe and competent manner and that it is in the public interest for the license to be reclassified.

7. The Board's conferee, Lewin Wyatt, D.O., who has indicated support of this proposal, and the Department's representative or the undersigned assistant attorney general are both free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the consent order.

8. The foregoing consent order is approved by the respective parties and may be entered as the final order of the Disciplinary Subcommittee in this cause.

9. The foregoing proposal is conditioned upon its acceptance by the Disciplinary Subcommittee, the parties expressly reserving the right to further proceedings without prejudice should the consent order be rejected.

AGREED TO BY:

Linda Craven  
 Linda Craven  
 Assistant Attorney General  
 Attorney for Complainant  
 Dated: 3/3/99

AGREED TO BY:

Sandor Olah  
 Sandor Olah, D.O.  
 Respondent

State of Michigan)  
 )ss  
 County of Alcona)

On the 3rd day of February, 1999, before me, a Notary Public in and for said county, appeared Sandor Olah, D.O., who upon oath stated that he has read the foregoing consent order and stipulation by him/her subscribed, that he knows the contents thereof to be true and that the signing of same is his free act and deed.

Notary Public, Lorraine K. Speet County  
 State of Michigan LORRAINE K. SPEET  
 My commission expires: Notary Public Alcona County MI  
My commission expires Jan 24 2001

I have reviewed and approved  
 the foregoing document both  
 as to form and substance.

David Kallman  
 David Kallman  
 Attorney for Respondent

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