

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
ACUPUNCTURISTS

RECEIVED
MAR 15 2007
Secretary of State
Business Office

IN RE:)
AXEL H. GRUEL)
License No. 091-0000035)

Docket No. ACU01-0306

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and Respondent, Axel H. Gruel, who stipulate and agree as follows:

Authority

1. The administrative law officer has jurisdiction to investigate and adjudicate allegations of unlicensed practice and unprofessional conduct pursuant to 3 V.S.A. §§129 and 129a; Title 26, Chapter 75 of the Vermont Statutes Annotated; the Administrative Rules for Licensed Acupuncturists; and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Axel H. Gruel, is licensed in the State of Vermont as an acupuncturist under license number 091-0000035. This license was originally issued on or about February 15, 1996, and is currently set to expire on January 31, 2008.

3. At all times relevant, Respondent practiced as an acupuncturist at the Valley Acupuncture Health Clinic (the "Clinic") located in White River Junction, Vermont.

4. In a telephone book advertisement for the Clinic, the Respondent represented himself as "Dr. Axel Gruel – Licensed Acupuncturist." Upon information and belief and the best evidence available, Respondent has no degree or license which entitles him to represent himself as a doctor.

5. Additionally, on or about December 22, 2005, the Respondent signed his license renewal application and indicated several continuing education courses that he had taken to fulfill the renewal requirement. By way of a letter dated February 14, 2006, the Respondent was informed that he had been randomly selected to be audited regarding his continuing education credits for the previous renewal period (February 1, 2004 through January 31, 2006). In a letter to the Office of Professional Regulation dated March 15, 2006, the Respondent admitted that he had not fulfilled the continuing education requirements in a timely manner and that he had not attended some of the classes he had listed in his renewal application.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Charges

6. The acts, omissions and/or circumstances described above and detailed below, constitute unprofessional conduct in violation of:

- i) 3 V.S.A. §129a(a)(1) (Fraudulent or deceptive procurement or use of a license);
- ii) 3 V.S.A. §129a(a)(2) (Advertising that is intended or has a tendency to deceive);
- iii) 3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
- iv) 26 V.S.A. § 1311(1) (A person who advertises or holds himself or herself out to the public as a physician or surgeon, or who assumes the title or uses the words or letters "Dr.," "Doctor," "Professor," "M.D.," or "M.B.," in connection with his or her name, or any other title implying or designating that he or she is a practitioner of medicine or surgery in any of its branches, or shall advertise or hold himself or herself out to the public as one skilled in the art of curing or alleviating disease, bodily injuries or physical or nervous ailments, or shall prescribe, direct, recommend, or advise, give or sell for the use of any person, any drug, medicine or other agency or application for the treatment, cure or relief of any bodily injury, infirmity or disease, or who follows the occupation of treating diseases by any system or method, shall be deemed a physician, or practitioner of medicine or surgery);

Understandings

7. The Respondent understands that the A.L.O. must review and accept the terms of the Order set forth below and that if the A.L.O. rejects all or any portion of the Order, then this entire document shall be null and void.

8. Respondent specifically waives any claims that any disclosures made to the A.L.O. during the A.L.O.'s review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the A.L.O.

9. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.

10. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.

11. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and has not been coerced by anyone into signing this Stipulation and Consent Order.

12. Respondent voluntarily waives his right to a contested hearing before the A.L.O. and waives any right to appeal from this Stipulation and Consent Order.

Respondent agrees that the A.L.O. may enter the Order set forth below.

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Based on the stipulation above it is **ORDERED AND ADJUDGED** as follows:

A. The Administrative Law Officer hereby **SUSPENDS** Respondent's Acupuncture license for a period of **TWO WEEKS** commencing on May 11, 2007. That license shall be automatically reinstated immediately thereafter. Once reinstated, the Respondent's license will be labeled **CONDITIONED** until such time as the Respondent submits written documentation (certificate of completion, etc.) to verify to the satisfaction of the Director of Professional Regulation or his designee, that he has successfully completed a course focusing on professional ethics. Said course shall first be approved by the Director or his designee. Additionally, the Respondent shall pay an **ADMINISTRATIVE PENALTY OF FIVE HUNDRED DOLLARS (\$500.00)**. This penalty shall be paid within ninety (90) days of the date of entry of this Order.

B. Notwithstanding any provision above, the Respondent must continue to meet all State of Vermont requirements for maintaining a license, license renewal and license reinstatement.

C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

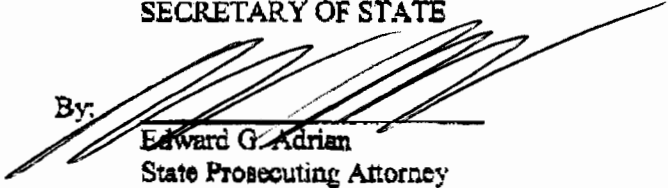
D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

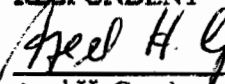
Dated: 3/15/07

By:


Edward G. Adrian
State Prosecuting Attorney

Dated: 3/13/07

By:

AXEL H. GRUEL
RESPONDENT

Axel H. Gruel

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
88800-1107

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

Dated: 3/15/07

By:

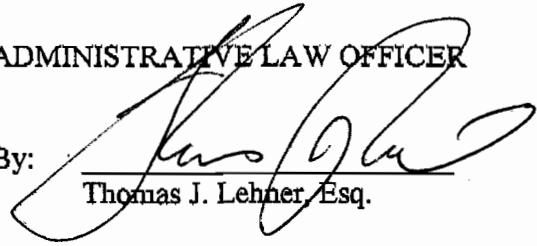

David Putter, Esq.

3

APPROVED AND SO ORDERED: ADMINISTRATIVE LAW OFFICER

Dated: 3/19/07

By:


Thomas J. Lehner, Esq.

Date of Entry: 3/20/07

acu.gruel.stip

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