



OHIO OPTICAL DISPENSERS BOARD

77 SOUTH HIGH ST. 16TH FLOOR
COLUMBUS, OHIO 43215-6108
(614) 466-9709 FAX (614) 995-5392
WWW.OPTICAL.OHIO.GOV
Email: odb@odb.ohio.gov

MINUTES OF MEETING **FEBRUARY 12, 2009**

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD **FEBRUARY 12, 2009**

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, February 12, 2009 at 9:08 A.M. at 77 South High Street, West B & C, 31st Floor, Columbus. President Brian Miller called the meeting to order in open session.

BOARD MEMBERS IN ATTENDANCE:

Present: Brian J Miller, President; Michael W. Hall, Vice President; Susan Bender, Treasurer; Susan C. Benes, M.D; A. Joseph Bitonte ; James DeDario; James Fortune, Sr.; Timothy Fries, O.D; Oscar J. Watson.

STAFF MEMBERS IN ATTENDANCE:

Present: Nancy L. Manns, Executive Director; William Lehman, Investigator; Melissa Wilburn, Assistant Attorney General; Wilma Simmons, Executive Secretary

ADMINISTRATIVE MATTERS

Ordering of the Agenda

The President and Executive Director reviewed the consent and regular agenda prior to the meeting.

IT WAS MOVED BY JOE BITONTE AND SECONDED BY SUSAN C. BENES, M.D. THAT THE CONSENT AGENDA FOR THE FEBRUARY 12, 2009 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

IT WAS MOVED BY JOE BITONTE AND SECONDED BY SUSAN C. BENES, M.D. THAT THE REGULAR AGENDA FOR THE FEBRUARY 12, 2009 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

President's Report

President Miller welcomed the guests attending the meeting.

President Miller thanked AAG Wilburn, Director Manns and Investigator Lehman for getting the injunction filed regarding the illegal contact lens sale in Sandusky, Ohio. President Miller stated that with their efforts the Board continues to carry out the mission of protecting the people in Ohio.

President Miller thanked Director Manns and Treasurer Bender for attending the Office of the Budget and Management meeting held on January 29, 2009.

President Miller relayed to the Board that he has received information that Mike DiSanto, a long-time educator of opticians, is very ill. President Miller went on to say that the Opticians Association of Ohio (OAO) had established a fund to help with Mr. DiSanto's day-to-day living expenses and medical care. Information about the fund could be obtained from Mark Bennett, Executive Director, OAO.

President Miller reminded the Board that the Board members had received in their mailed packet a list of potential goals for the 2009 Calendar year for the Board. The Board members were asked to complete the ranking of the goals and return them to Director Manns.

President Miller then requested the Board members to complete the officer nomination ballot for officers for 2009 and return the completed ballots to Director Manns.

President Miller thanked the Board and staff for their assistance in making his year as President of the Board a productive one. The Board members, in turn, thanked President Miller for his leadership.

Approval of Minutes

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JIM DEDARIO THAT THE MINUTES OF THE DECEMBER 4, 2008 BOARD MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. SUSAN BENDER ABSTAINED.

Executive Director's Report

Director Manns reminded the Board that the Ethics reports are due before April 15th.

Director Manns informed the Board that all Board members will be required to attend an Ethics Training session this year. A copy of the schedule of training sessions was handed out at the Board meeting along with information of when each Board member last attended a training session.

Director Manns informed the Board that as of February 2, 2009, a total of 3,082 licensees have met all requirements for renewal. Director Manns informed the Board that we have had the least number of licenses in "lapsed" status in several years.

Director Manns informed the Board that the Board's budget request for FY '10 and FY'11 has been submitted to the Office of Budget and Management (OBM) as well as the draft language for the proposed fee increases. The report from Derek Bridges, the Board's Budget Analyst, is that the budget, as submitted, including the request for fee increases, remains intact. While the budget language is still not out, Director Manns informed the Board that she will be providing testimony next Wednesday, February 25, 2009 before the House Higher Education Sub-committee.

Director Manns informed the Board that she and Treasurer Bender attended a meeting January 29, 2009 called by the Office of Budget and Management (OBM) to discuss the state of the budget and changes to the work of the Board. The Governor's office in conjunction with Central Service Agency (CSA) "has developed a plan to improve efficiency and accountability, while preserving autonomy, in the operations of Ohio's 28 occupational licensing boards and commissions". This plan is to be rolled out as part of the FY '10/'11 budget bill. Rules will be promulgated detailing specifics of the plan. An ad hoc group has been formed of representatives of the Board and Commissions to help with the writing of the rules and implementation of the plan. Director Manns informed the Board that she has been asked to be a member of the ad hoc group and that a "talking points" sheet that was handed out at this meeting was included in their Board packets. The goal of the plan is to combine common "back office" functions of Boards and Commissions under the auspices of CSA in order to increase efficiencies and provide a cost savings to the state.

Director Manns informed the Board that she had met with Cris Mapes, RN, Health Coordinator for the Medina County Career Center concerning the implementation of an Adult Workforce Education program for "optometric occupations" which is a one year program. Penta County Career Center will also be having a high school and adult program as well. Director Manns informed the Board that there is a need to consider these programs as part of the education and qualifications for licensing.

Director Manns informed the Board that all Boards had received their first "Report Card" reflecting the attainment of goals for spending with Minority Business Enterprise (MBE) and Encouraging Diversity Growth and Equity (EDGE) vendors. The MBE and EDGE programs are designed by the Ohio Department of Administrative Services' Equal Opportunity Division (EOD) to facilitate the growth of small businesses in Ohio. Out of 96 colleges, cabinet agencies, and Boards & Commissions only 11% met their goal.

Director Manns informed the Board that House Bill 648, also known as "Joe-the plumber" bill, was signed into legislation by the Governor on December 31, 2008. This bill will place the burden of documenting each and every access to licensee's records that contain sensitive,

confidential information, specifically social security number, birth date, etc. The law requires that each agency develop rules on the implementation process. The Office of Information Technology (OIT) has formed sub-groups to help in the process of promulgating a set of “template rules” that could be used by each agency. Director Manns informed the Board that she had been appointed to one of these sub groups.

Director Manns informed the Board that she had submitted an on-line continuing education course related to the law and rules regulating the practice of Opticianry and Ocularistry in Ohio to ABO for approval. ABO has decided that they will not approve this course due to the fact that the offering was specific to Ohio law and rules.

Approval of Board Member Responsibilities Policy:

After discussion,

IT WAS MOVED BY SUSAN BENDER AND SECONDED BY OSCAR WATSON THAT THE BOARD APPROVE THE POLICY, “BOARD MEMBER QUALIFICATION, DUTIES, RESPONSIBILITIES, TERMS” AS WRITTEN. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. JIM DEDARIO ABSTAINED.

Approval of Travel/Reimbursement Policy:

After discussion,

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD APPROVE THE POLICY “TRAVEL/REIMBURSEMENT” AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval Of Hiring Policy:

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE THE POLICY “HIRING” AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval Of Guidelines on State Employee Participation in Political Activity Policy:

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE THE POLICY “GUIDELINES ON STATE EMPLOYEE PARTICIPATION IN POLITICAL ACTIVITY” AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Performance Evaluations Policy:

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY SUSAN BENDER THAT THE BOARD APPROVE THE POLICY “PERFORMANCE EVALUATIONS” AS

WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Investigative Case Review Meetings Policy;

After discussion,

IT WAS MOVED BY JIM DEDARIO AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD APPROVE THE POLICY "INVESTIGATIVE CASE REVIEW MEETINGS" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Financial Report

After discussion,

IT WAS MOVED BY JIM DEDARIO AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE FINANCIAL REPORT FOR CURRENT FY 2009 BE ACCEPTED AS SUBMITTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

A.A.G. Report:

AAG Melissa Wilburn provided an update on the Flagel Realty case against the Board. Ms. Wilburn has filed a brief on behalf of the Board in the Montgomery county Courts. The Attorney General's office had not yet filed a brief to vacate the judge's order.

AAG Wilburn also informed the Board that she is getting ready to file the injunction for a temporary restraining order against Hot Shot Fashion Beauty Supply, Sandusky, Ohio, which continues to sell cosmetic contact lenses without a prescription. AAG Wilburn hopes to have this filed sometime during the next week following the Board meeting.

Special Orders:

Election of 2009 Officers:

After discussion,

IT WAS MOVED BY JIM DEDARIO AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD ACCEPT THE SLATE OF OFFICERS NOMINATED FOR 2009. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Election ballots were distributed to each Board member. After a count of the votes, Director Manns announced to the Board that Michael Hall was elected President of the Board; Susan Bender was elected Vice President of the Board; and, Brian Miller was elected Treasurer of the Board for the period of March, 2009-February, 2010.

Strategic Planning:

Systematic Plan for Review of Law Changes

In accordance with the Board's goal for calendar year 2008, a review of Chapter 4725.40-4725.99 Ohio Revised Code (ORC) was conducted by the Board. Director Manns informed the Board that Agenda item 3.1.1 of the Board's packet is a summary of the concepts and recommendations by the Board for changes to Chapter 4725.40-4725.99 of the Ohio Revised Code. Director Manns informed the Board that the passage of HB 648 will also require the Board to write new rules concerning access to private/confidential information. Ms. Manns went on to say that a task force of interested parties had been established to develop a set of rules that could be used as a template by agencies affected by HB64.

Board Governance/Planning – Goals for 2009

President Miller informed the Board that a list of potential goals for the Board for calendar year 2009 had been developed in conjunction with Director Manns. A list of these goals had been mailed to the Board members with instructions to rate the listed goals on a scale of 1-9, one being the least important, 9 the most important. President Miller asked Board members to return the completed forms to Director Manns who would then analyze the results and bring the priorities back to the April Board meeting for additional discussion.

Continuing Education

After review by Board members of submitted applications for approval of continuing education hours and discussion,
IT WAS MOVED BY JIM DEDARIO AND SECONDED BY JOE BITONTE THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAMS WITH THE APPROVED HOURS AS LISTED BELOW. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Vision Expo East – New York, NY – March 26-29, 2009:

40 Spectacle Hours
19 Contact Lens Hours
42 Management Hours

Recommendations: The following course(s) may be approved pending re-submission of application for Management hours:

“Manage Your Frame Board – Don't Let it Manage You” – 2 Management

Denied:

“Optometry's Economic Stimulus for 2009: Medical Eye Care” – 2 Management

Society of Dispensing Opticians of Kentucky – Lexington, KY – January 18, 2009:

5 Spectacle Hours

Opticians Association of Ohio- Independence, OH – February 8, 2009:

4 Spectacle Hours
4 Contact Lens Hours

Opticians Association of Ohio – Fairfield, OH – February 22, 2009:

4 Spectacle Hours
4 Contact Lens Hours

Opticians Association of Ohio – Columbus, OH – February 28- March 1, 2009:

8 Spectacle Hours
6 Contact Lens Hours
2 Spectacle/Contact Lens/Ocularist Hours-Previously Approved

Opticians Association of Ohio – Internet Courses – Calendar Year 2009- Additional Hours:

6 Spectacle Hours
1 Management

C.E.D.O., Inc. – Zanesville, OH – April 4, 2009:

4 Spectacle Hours

C.E.D.O., Inc. – Dublin, OH – April 5, 2009:

4 Spectacle Hours

C.E.D.O., Inc. – Perrysburg, OH – April 18, 2009:

4 Spectacle Hours

C.E.D.O., Inc. – Independence, OH – April 19, 2009:

4 Spectacle Hours

Opticians Association of Ohio – Perrysburg, OH – March 15, 2009:

3 Spectacle Hours
4 Contact Lens Hours
1 Management Hour

Ohio Optometric Association – Dublin, OH – May 6, 2009:

5 Management Hours

Opticians Association of Ohio – Internet – Calendar Year 2009:

5 Spectacle Hours
1 Management Hour

Approval of Licenses

After review of licensure applications by Board members,
IT WAS MOVED BY TIMOTHY FRIES, O.D. AND SECONDED BY MICHAEL HALL
THAT THE BOARD APPROVE FOR LICENSURE THE APPLICANTS LISTED ON
ADDENDUM 1.0. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD
MEMBERS PRESENT.

Discipline:

Investigator Lehman passed out copies of a signed Consent Agreement, Case Number
0911017, for ratification by the Board.

After review of the Consent Agreement by Board members,
IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JIM DEDARIO THAT
THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 0911017.
MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.
(See Addendum 2.0)

Additional Continuing Education

After review by Board members of submitted applications for approval of continuing
education hours and discussion,
IT WAS MOVED BY JIM DEDARIO AND SECONDED BY SUSAN BENDER THAT
THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAM WITH THE
APPROVED HOURS AS LISTED BELOW. MOTION ADOPTED BY UNANIMOUS
VOTE OF THE BOARD MEMBERS PRESENT.

Opticians Association of Ohio – Internet – Calendar Year 2009:

- 19 Spectacle Hours
- 3 Contact Lens Hours
- 11 Management Hours
- 1 Spectacle/Contact Lens Hour
- 1 Spectacle/Contact Lens/Ocularist Hour

New Business:

Michael Hall thanked President Miller for his service as president and stated that he looked forward to serving as president for the upcoming year. Oscar Watson also thanked President Miller for his service.

Hearing no other discussion on any other topic, President Miller adjourned the meeting at 12:30 PM, February 12, 2009.

ATTESTED:

PRESIDENT, BRIAN J MILLER

EXECUTIVE DIRECTOR, NANCY MANNS

Future Board Meeting Dates:

- April 16, 2009 – 9:00 AM – 4:00 PM
- June 18, 2009 – 9:00 AM – 4:00 PM
- August 20, 2009 – 9:00 AM – 4:00 PM
- October 15, 2009 – 9:00 AM – 4:00 PM
- December 3, 2009 – 9:00 AM – 4:00 PM

ODB - Pending Applicants - Spectacle

Report Parameters

Board = ODB

Credential prefix = S

Report generated on 2/11/2009 at 1:45:35 PM

name	address1	address2	city	statecode	zipcode
Tara Allen	1844 Surrey Trail Apt 12		Bellbrook	OH	45305
Sarah Jo Beyersdoerfer	144 Broadway Street South		Midland	OH	45148
Brian C. Campbell	25 South Westmoor Avenue Apt D		Newark	OH	43055
Cheryl A. Conrad	4405 Southwick Boulevard		Brunswick	OH	44212
Joseph M. Dadswell	1138 14th Street NW		Canton	OH	44703
Heidi Amanda Dietz	6715 Maple Street		Cincinnati	OH	45227
Jonathan A. Engle	8870 Adams Road		Dayton	OH	45424
Timothy W. Freed	5155 Meadow Glen Drive		Elida	OH	45807
Sheri Fritz	7921 Meadowhaven Boulevard		Columbus	OH	43235
Casey L. Gravelle	4137 Lewis Avenue		Toledo	OH	43612
Rodney Lawrence Green	726 Franklin Avenue		Columbus	OH	43205
Latrica Ann Griffith	133 Columbian Avenue		Columbus	OH	43223
Angie Harper	5901 Sciotio Parkway		Powell	OH	43065
Kevin H. Harrington	131 East Third Street Apt. 201		Dayton	OH	45402
Terri L. Kruse	501 Water Street		Woodville	OH	43469
Debra J. Lavender	4933 Wymore Drive		Columbus	OH	43232
Kristin M. Lonz	508 Michigan Avenue		Sandusky	OH	44870
Jessica R. Manson	111 Palmer Lane Apt C		Bryan	OH	43506
Bradley T. Maxwell	101 Gale Street		Akron	OH	44302
Julianne Mixer	5065 Wynn Park Drive		Oregon	OH	43616
Stephanie Stein	3531 Cheryl Drive		Fairfield	OH	45014
Russell H. Stoner	218 East Water Street		Oak Harbor	OH	43449
Erin E. Szuch	1824 Kedron Street		Toledo	OH	43605
Richard C. Tenaglio	1418 Churchill-Hubbard Road		Youngstown	OH	44505
Sandra Vergara	5467 Diamond Loch		Columbus	OH	43228

ODB - Pending Applicants - Reciprocity-Spectacle/Contact Lens

Report Parameters

Board = ODB

Credential prefix = SC

Report generated on 2/11/2009 at 2:09:28 PM

name	address1	address2	city	statecode	zipcode
Christine E. Rice	4862 Dartmouth Drive		Burlington	KY	41005

ODB - Pending Applicants - Spectacle/Contact Lens

Report Parameters

Board = ODB

Credential prefix = SC

Report generated on 2/11/2009 at 2:00:52 PM

name	address1	address2	city	statecode	zipcode
Tonya Ann Behymer	1974 State Route 232		New Richmond	OH	45157- 9681
Rebecca M. Boggs	5237 State Road 252		Brookville	IN	47012
Joyce E. Brannon	66 Perry Street		New Lebanon	OH	45345
Angeline Brooksbank	139 East Main Street		Cleves	OH	45002
Erin B. Chesebro	613 Clark Avenue		Ashville	OH	43103
Lucia M. Cosma	13263 Maple Brook Trail		Strongsville	OH	44136
Gina Marie Cugino	131 Roslyn Avenue NW		Canton	OH	44708
Deanna L Farner	326 Greeley Street		West Salem	OH	44287
Tarra Lynn Goble	402 Ashland Avenue Apt E10		Wapakoneta	OH	45895
Ronald P. Kerensky	5633 DePauw Avenue		Youngstown	OH	44515
Joseph E. Kibler	3323 Douglas Road Apt 1		Toledo	OH	43606
Elizabeth R. Nickell	736 Aspen Drive		Washington Court House	OH	43160
William Keith Parker, Sr.	239 Short Carlisle Street		Eismere	KY	41018
Maureen V. Ramunno	245 Matta Avenue		Youngstown	OH	44509
Lisa A. Roberts	13576 State Route 235		Harrod	OH	45850
Gregory W. Standley	18996 Thorpe Road		Auburn Township	OH	44023
Rachel Renee Taylor	710 Kenwick Road		Bexley	OH	43209
Kimberly K. Thompson	179 Bachmann Avenue		Newark	OH	43055
Leticia VanScoit	415 West Mary Street		Bucyrus	OH	44820
Andre L. Willis, Sr.	1807 Mohican Place		Kent	OH	44240
Susan E. Willis	408 North Broadway Street		New Philadelphia	OH	44663
Adrian A. Zavaleta	104 Wood Street		Bellevue	OH	44811

**CONSENT AGREEMENT
BETWEEN
ALAN J. SEWELL
AND
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **ALAN SEWELL**, Opticians, License No. 9720-S and the **OHIO OPTICAL DISPENSERS BOARD** (“Board”), a state agency charged with enforcing Chapter 4725 of the Ohio Revised Code, and all rules promulgated thereunder.

ALAN SEWELL enters into this CONSENT AGREEMENT being fully informed of his rights under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues considered herein.

BASIS FOR ACTION

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

1. The **BOARD** is empowered by Section 4725.53 of the Ohio Revised Code to refuse to grant a license, suspend or revoke a license or impose a fine or order restitution for any of the enumerated violations.
2. The **BOARD** enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4725.52 of the Ohio Revised Code and Ohio Administrative Code 4726-5-02(A)(C). **ALAN SEWELL** failed to register an apprentice he supervised, and allowed the individual to hold themselves out as an apprentice optician; and, allowed the individual to engage in the practice of dispensing optical aids at Lenscrafters, 265 Boardman-Canfield Rd., Boardman, OH 44512 for the period of on or about July 1, 2008 through on or about November 12, 2008.
3. The **BOARD** expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4725 of the Ohio Revised Code or any rules promulgated thereunder, whether occurring before or after the effective date of this **CONSENT AGREEMENT**.

Alan Sewell
Consent Agreement
Page 2

4. **ALAN SEWELL** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 9720-S.
5. **ALAN SEWELL** admits the factual and legal allegations set forth in this Consent Agreement issued by the **BOARD**.

AGREED CONDITIONS

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth and in lieu of any further formal proceedings at this time, **ALAN SEWELL** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

- A. **ALAN SEWELL** shall pay a fine of Two hundred fifty dollars (\$250.00) pursuant to Section 4725.53(A)(B) of the Ohio Revised Code. The two hundred fifty dollar (\$250.00) fine in the form of a certified check or money order made payable to the Treasurer State of Ohio, must be received by the Board at the Ohio Optical Dispensers Board, 77 South High Street, 16th Floor, Columbus, Ohio 43215-6108 not later than 30 days from the ratification by the Board of this consent agreement.
- B. **ALAN SEWELL** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in his licensure file.
- C. **ALAN SEWELL** shall obey all laws and rules of the Ohio Revised Code and Ohio Administrative Code governing Licensed Opticians in Ohio.
- D. The **BOARD** agrees not to institute formal proceedings against **ALAN SEWELL** as long as he is in compliance with the terms and conditions of this **CONSENT AGREEMENT**.

FAILURE TO COMPLY

By his signature on this agreement, **ALAN SEWELL** agrees that in the event the **BOARD**, in its discretion, does not approve this CONSENT AGREEMENT, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **ALAN SEWELL** agrees that should the **BOARD** reject this CONSENT AGREEMENT and if this case proceeds to hearing, he will assert no claim that the **BOARD** was prejudiced by its review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

ACKNOWLEDGEMENTS/LIABILITY RELEASE

ALAN SEWELL waives any and all claims or causes of action he may have against the **BOARD**, and members, officers, employees and/or agents of the **BOARD**, arising out of the matters which are the subject of this CONSENT AGREEMENT.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code.

This CONSENT AGREEMENT is not an adjudication order within the meaning of Section 119.01 (D) of the Ohio Revised Code.

Upon consent of **ALAN SEWELL** and the **BOARD**, the terms and conditions of this CONSENT AGREEMENT may be modified or terminated in writing.

EFFECTIVE DATE

It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the **BOARD** prior to signature by the President / Supervising Disciplinary Member and shall become effective upon the last date of signature below.

**THE OHIO OPTICAL DISPENSERS
BOARD**

ALAN SEWELL

BRIAN J MILLER
President
Supervising Disciplinary Member

DATE

DATE

MELISSA L. WILBURN, Esq
Assistant Attorney General
Attorney for Ohio Optical Dispensers Board

DATE