



OHIO OPTICAL DISPENSERS BOARD

77 SOUTH HIGH ST. 16TH FLOOR
COLUMBUS, OHIO 43215-6108
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MINUTES OF MEETING **JUNE 19, 2008**

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD JUNE 19, 2008

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, June 19, 2008, at 9:04 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; A. Joseph Bitonte ; James DeDario; James Fortune, Sr.; Timothy Fries, O.D.; Oscar J. Watson.

Absent: Susan C. Benes, M.D

STAFF MEMBERS IN ATTENDANCE:

Present: Nancy L. Manns, Executive Director; William Lehman, Investigator; P.R. Casey, 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 MICHAEL HALL THAT THE CONSENT AGENDA FOR THE JUNE 19, 2008 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JAMES DEDARIO THAT THE REGULAR AGENDA FOR THE JUNE 19, 2008 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. Name tags had been provided to guests in order to facilitate communication between Board members and guests. President Miller encouraged Board members to introduce themselves to guests.

President Miller informed the Board that he and Director Manns had a meeting on Wednesday, June 18, 2008 with representatives of the Opticians Association of Ohio (OAO): Mark Bennett, Executive Director; Shirley Earley, Vice President; Patricia Kuhl, Secretary/Treasurer; and, Tom Barracato, President. The meeting was held to discuss a proposed change to the law regulating Opticianry in Ohio put forth by Frank Rozak, National Association of Opticians and Optometrists (NAOO), Lara Miller, Director of Governmental Affairs and Public Relations, Ohio Council of Retail Merchants, and Joe Neville, Associate Vice President, Regulatory Services, Luxottica Retail. The proposed law change would permit spectacle- licensed opticians to dispense contact lenses with a minimal amount of additional training. President Miller invited Mark Bennett who was present at the meeting to provide additional details of the meeting to the Board members. Mr. Bennett related to the Board that the next step would be to arrange a meeting between all interested parties to discuss the proposal and formulate a plan that would meet the business needs of the retail merchants while maintaining the integrity of the spectacle and contact lens license and protect the public health and welfare. The Board agreed by consensus that this appeared to be the appropriate next step in this process.

President Miller informed the Board that he had provided stamped envelopes for Board members to use to mail in their receipts for expenses related to the Board meeting.

Approval of Minutes

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JAMES DEDARIO THAT THE MINUTES OF THE APRIL 17, 2008 BOARD MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Executive Director's Report

Director Manns reminded the Board members that documentation of time spent on Board activities that occurred between Board meetings needs to be sent to the Board office weekly to assure that the time would be entered into the payroll system appropriately.

Director Manns reminded the Board members that they needed to mail in their respective parking receipts as soon as possible after the Board meeting so that their expense accounts could be processed without delay.

Director Manns reported to the Board that over 1000 Apprentice Renewals were mailed in May, 2008 and that only 194 had renewed as of the 9th of June.

Director Manns informed the Board that the fiscal year 2008 ends on June 30, 2008. Ms. Manns reminded the Board that the allotment for FY'09 remains the same as approved. Director Manns also informed the Board that there will continue to be a freeze on the purchase of new equipment through fiscal year 2009.

Director Manns informed the Board that her personal goals for 2008 and markers indicating progress toward meeting the goals were included in their Board packet. Ms. Manns indicated that the Board would receive at each Board meeting such updates that should be used by the Board members for evaluation of the Executive Director in the Fall.

Director Manns informed the Board that the proposed rules for the Criminal Records Checks were filed at the end of May and that the rules hearing will be conducted at 10 AM during the Board meeting.

Director Manns explained to the Board that she had informed DAS that because of uncertainties concerning time frames and costs, that she could not approve a move of the office. The Board agreed by consensus that based on the uncertainties, to not move the office was a fiscally responsible approach.

Special Orders:

Approval of Recommendations to the Governor Regarding Future Board Appointments Policy:

After discussion,

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD APPROVE THE POLICY "RECOMMENDATIONS TO THE GOVERNOR REGARDING FUTURE BOARD APPOINTMENTS" AS WRITTEN. MOTION WITHDRAWN.

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JAMES DEDARIO THAT THE BOARD APPROVE AS AMENDED THE POLICY "RECOMMENDATIONS TO THE GOVERNOR REGARDING FUTURE BOARD APPOINTMENTS." MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Explanation of the Complaint and Investigation Process Policy:

After discussion,

IT WAS MOVED BY TIMOTHY FRIES, O.D. AND SECONDED BY SUSAN BENDER THAT THE BOARD APPROVE AS AMENDED THE POLICY "EXPLANATION OF THE COMPLAINT AND INVESTIGATION PROCESS." MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Public Participation At Board Meeting Policy:

After discussion,

IT WAS MOVED BY TIMOTHY FRIES, O.D. AND SECONDED BY MICHAEL HALL THAT THE BOARD REAFFIRM THE POLICY “PUBLIC PARTICIPATION AT BOARD MEETINGS” AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Process For The Evaluation Of The Executive Director Policy:

After discussion,

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD REAFFIRM THE POLICY “PROCESS FOR THE EVALUATION OF THE EXECUTIVE DIRECTOR” AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Executive Director’s Duties Policy:

After discussion,

IT WAS MOVED BY OSCAR WATSON AND SECONDED BY JOE BITONTE THAT THE BOARD APPROVE THE POLICY “EXECUTIVE DIRECTOR’S DUTIES” AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Electronic Prescription Policy:

After discussion,

IT WAS MOVED BY SUSAN BENDER AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD APPROVE THE POLICY “ELECTRONIC PRESCRIPTIONS” AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Board Office Hours Policy:

After discussion,

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY SUSAN BENDER THAT THE BOARD APPROVE THE POLICY “BOARD OFFICE HOURS” AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Weather Emergency Policy:

After discussion,

IT WAS MOVED BY TIMOTHY FRIES, O.D. AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE THE POLICY “WEATHER EMERGENCIES” AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Open Forum – Aaron Boone

President Miller informed the Board members that the Board had received a request from Mr. Aaron Boone to address the Board during the Open Forum portion of the Board meeting. President Miller turned the floor over to Mr. Boone to address the Board. Mr. Boone informed the Board that he had requested to address the Board on his own behalf to try to have the Board consider the re-instatement of his lapsed spectacle license. Mr. Boone provided each Board member with personal information that he believed to support his request. President Miller thanked Mr. Boone for coming and informed Mr. Boone that the Board may consider his request at a later point of the meeting agenda and invited Mr. Boone to stay for the rest of the Board meeting.

Rule Hearing for Criminal Records Check

A Public Rules Hearing was conducted at 10:00 AM in accordance with Section 119.03 of the Ohio Revised Code for the following amended and proposed rules:

4726-9-01 Initial Licensure

4726-9-02 Renewal of Licenses

4726-9-03 Criminal Records Check

The Hearing concluded at 10:15 AM.

Approval of Financial Report

After discussion,

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY JOE BITONTE THAT THE FINANCIAL REPORT FOR CURRENT FY 2008 BE ACCEPTED AS SUBMITTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Strategic Planning:

Systematic Plan for Review of Law Changes

In accordance with the Board's goal for calendar year 2008 to conduct a review of Chapter 4725.40-4725.99 Ohio Revised Code (ORC), Director Manns had included in the Board members mailing packets a draft of revisions to Chapter 4725.40 – 4725.44 that had been discussed at the April, 2008 Board meeting. The Board reviewed these revisions and by consensus agreed with the proposed language. The Board then reviewed and discussed proposed changes to Chapter 4725.45-4725.50 ORC. After review of those sections by Board members and comments from the Board members, Director Manns informed the Board that she would once again draft language that would include the Board members' input into Chapter 4725.45-4725.50 ORC for review and discussion at the August, 2008 Board meeting.

A.A.G. Report:

P.R. Casey, Assistant Attorney General, reviewed the progress of the case filed in Montgomery County by a realty company that would require the Board and the Attorney General's office to accept the files and equipment from an office of a formerly licensed Ohio optician who abandoned his office and practice.

Mr. Casey represented the Board at a Hearing for Oral Arguments in Montgomery County on May 27, 2008. Instead of a Hearing, representatives from both sides met with the judge in the judge's chambers to discuss potential options for resolution.

The judge has requested that the realty company conduct an inventory of the contents of the office to determine the nature of equipment and types of medical records that remain on the property. Once this is accomplished, the judge will consider options for resolution.

Mr. Casey requested Board members to use contacts within the profession to see if the optician could be located.

Continuing Education

After review by Board members of submitted applications for approval of continuing education hours and discussion,

IT WAS MOVED BY JOE BITONTE AND SECONDED BY TIMOTHY FRIES, O.D. 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.

C.E.D.O. – Cincinnati, Dublin, Independence – June 28-29, 2008:

10 Contact Lens Hours
4 Spectacle Hours Previously Approved 12.12.07

Optical Training – Internet Courses – Calendar Year 2008(New Courses):

2 Spectacle Hours
6 Contact Lens Hours

The following course(s) will be approved pending re-submission of application:

Trouble Shooting Demanding Patient – Re-submit for 2 Management Hours

Hands-On Workshop – Independence, Columbus – September 17-18, 2008:

6 Spectacle Hours

Rooney Optical – Northfield, OH – July 12, 2008:

2 Spectacle Hours

East West Eye Conference – Cleveland, OH – October 2-5, 2008:

10 Spectacle Hours
13 Contact Lens Hours
14 Spectacle/Contact Lens Hours
17 Management Hours

The following course(s) will be approved pending re-submission of application:

It's What You Don't See That Makes The Difference – Re-submit for 1 Spectacle Hour
Refractive Reactions – Re-submit for 1 Spectacle Hour
Correcting Astigmatism with Contact Lenses – Re-submit for 1 Contact Lens Hour
CL Insertion and Removal – Re-submit for 1 Contact Lens Hour
Contact Lens Parameters and Ordering Principles – Re-submit for 1 Contact Lens Hour
Make A Good First Impression – Re-submit for 1 Management Hour
Ocular History Taking – Re-submit for 1 Management Hour
Telephone Triage (The Power of the Phone) – Re-submit for 1 Management Hour

SIGNET Armolite, Inc. – Cincinnati, OH – August 16, 2008:

1 Spectacle Hour

ABO/NCLE 2008 National Education Conv. – Cincinnati, OH – September 18-21, 2008:

50 Spectacle Hours
33 Contact Lens Hours
6 Spectacle/Contact Lens Hours
2 Spectacle/Contact Lens/Ocularist Hours
14 Management Hours

The following course(s) will be approved pending re-submission of application:

Human Resources and Physical Management – Re-submit for 2 Management Hours
Career Compass: Essential Skills to Become Invaluable to your office – Re-submit for 1 Management Hour
Who's the Customer in Customer Service – Re-submit for 1 Management Hour
Business Management for the Optical Professional – Re-submit for 2 Management Hours
Frame Inventory Management – Re-submit for 1 Management Hour
Go Fish! For Opticians – Re-submit for 2 Management Hours
Electronic Transactions in the Eyecare Practice – Re-submit for 1 Management Hour
SOAP Technique for CL Evaluation – Re-submit for 1 Contact Lens Hour
ABO/NCLE Guidelines & Requirements for Designing Level III Courses – Re-submit for 2 Management Hours
How to Become a Successful Item Writer: Developing Valid Questions for the ABO/NCLE Certifying Exams – Re-submit for 1 Management Hour

Law and Rules Regulating the Practice of Optician and Ocularistry in Ohio – Internet Course – Calendar Year 2008:

1 Spectacle/Contact Lens/Management/Ocularist

Vision Expo West 2008 – Las Vegas, NV, October 2-6, 2008:

73 Spectacle Hours
38 Contact Lens Hours
49 Management Hours

The following course(s) will be approved pending re-submission of application:

Ocular Effects of Systemic Disease – Re-Submit for 2 Contact Lens Hours
The Keys to Improving Your Capture Rate – Re-Submit for 2 Management Hours
Pre-Testing, How Is It Done? – Re-Submit for 2 Management Hours
Patient Communications – Re-Submit for 1 Management Hour
Customer Service At The Speed of RIGHT...Going From Good to Great! – Re-Submit for 2 Management Hours
The Art of History Taking – Re-Submit for 1 Spectacle/Contact Lens/Ocularist Hour
Handling Problems & Patient Complaints – Re-Submit for 1 Management Hour
Managing The Difficult Patient – Re-Submit for 2 Management Hours
Front Desk Do's and Don'ts – Re-Submit for 2 Management Hours
So That's What That is For-Re-submit for 1 Spectacle/Contact Hour
Economics of Sunwear—Re-submit for 1 Spectacle/1 Management

OAO Fall Continuing Education – Independence, OH – September 14, 2008:

3 Spectacle Hours
4 Contact Lens Hours
1 Management Hour

OAO Fall Continuing Education – Fairfield, OH – September 28, 2008:

4 Contact Lens Hours
4 Spectacle Hours previously approved on 12.12.07

Approval of Licenses

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

Request For Re-Instatement of Licence:

After review by Board members of the request from Robert B. Leffe to reinstate his license that lapsed on January 1, 2008,
IT WAS MOVED BY SUSAN BENDER AND SECONDED BY MICHAEL HALL THAT THE BOARD NOT CONSIDER MR. LEFFE'S REQUEST FOR REINSTATEMENT OF HIS LAPSED LICENSE BASED ON PROVISIONS IN SECTION 4725.51(B) ORC.
MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Discipline:

Investigator Lehman passed out copies of a Consent Agreement which was sent to a licensee who knowingly employed an unlicensed person from January, 2008 to May, 2008.

After review of the Consent Agreement by Board members,
IT WAS MOVED BY MICHAEL HALL AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 0807002. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

New Business

Vice President Michael Hall stated that he would like to address the request of Aaron Boone for reinstatement of his license.

After review of Mr. Boone's exhibits and discussion by the Board members,
IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY MICHAEL HALL THAT THE BOARD NOT CONSIDER MR. BOONE'S REQUEST FOR REINSTATEMENT OF HIS LAPSED LICENSE BASED ON PROVISIONS IN SECTION 4725.51(B) ORC.
MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

The meeting was adjourned at 3:40 PM, June 19, 2008.

ATTESTED:



PRESIDENT, BRIAN J MILLER



EXECUTIVE DIRECTOR, NANCY MANNS

Future Board Meeting Dates:

August 21, 2008 – 9:00 AM – 4:00 PM
October 16, 2008 – 9:00 AM – 4:00 PM
December 4, 2008 – 9:00 AM – 4:00 PM

ODB - Pending Applicants - Spectacle

Report Parameters

Board = ODB
 Credential prefix = S

Report generated on 6/11/2008 at 9:51:23 AM

name	address1	address2	city	statecode	zipcode
Russell E. Bell, II	230 Johnson Avenue		Cuyahoga Falls	OH	44221
Tony A. Butler	854 Maple Avenue		Findlay	OH	45840
Mary Javadi	216 MacFalls Way		Blacklick	OH	43004
Jamin Lee McDonald	4619 Industry Road		Ravenna	OH	44266
Bonnie J. Miller	4644 Thompson Road		Wooster	OH	44691
Melinda Ann Ritchie	804 Primrose Drive		Wapakoneta	OH	45895
Angelina R. Rivera-Velasquez	11600 Aaron Drive		Parma	OH	44130
Sara E. Roll	2840 Sycamore Creek Drive		Independence	KY	41051

ODB - Pending Applicants - Combination

Report Parameters

Board = ODB
 Credential prefix = SC

Report generated on 6/11/2008 at 9:50:19 AM

name	address1	address2	city	statecode	zipcode
Danielle Renee Jaranowski	378 Gem Avenue		Mansfield	OH	44907

ADDENDUM 2.0



OHIO OPTICAL DISPENSERS BOARD

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MAY 19 2008 PM 01:01

CONSENT AGREEMENT BETWEEN KATHY MALONJAO AND THE OHIO OPTICAL DISPENSERS BOARD

This CONSENT AGREEMENT is entered into by and between **KATHY MALONJAO**, Opticians, License No. 5805-SC 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.

KATHY MALONJAO enters into this CONSENT AGREEMENT being fully informed of her 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 4725.53(7) of the Ohio Revised Code and Ohio Administrative Code 4726-3-06(B). **KATHY MALONJAO** employed an unlicensed individual as a dispensing optician; allowed the individual to hold themselves out as a licensed dispensing optician; and, allowed the individual to engage in the practice of dispensing optical aids at Sears Optical 2727 Fairfield Commons, Beavercreek, OH for the period of on or about January 1, 2007 through on or about May 19, 2007.
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 of this **CONSENT AGREEMENT**.

Kathy Malonjao
Consent Agreement
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4. **KATHY MALONJAO** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 5805-SC.
5. **KATHY MALONJAO** 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, **KATHY MALONJAO** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

- A. **KATHY MALONJAO** shall pay a fine of Three hundred dollars (\$300.00) pursuant to Section 4725.53(A)(B) of the Ohio Revised Code. The three hundred dollar (\$300.00) 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. **KATHY MALONJAO** agrees and acknowledges *that this* disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.
- C. **KATHY MALONJAO** 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 **KATHY MALONJAO** as long as she is in compliance with the terms and conditions of this CONSENT AGREEMENT.

FAILURE TO COMPLY

By her signature on this agreement, **KATHY MALONJAO** 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. **KATHY MALONJAO** agrees that should the **BOARD** reject this CONSENT AGREEMENT and if this case proceeds to hearing, she 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

KATHY MALONJAO waives any and all claims or causes of action she 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.

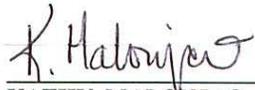
This CONSENT AGREEMENT is not an adjudication order within the meaning of Section 119.01 (D) of the Ohio Revised Code.

Upon consent of **KATHY MALONJAO** 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**



KATHY MALONJAO

5-16-08

DATE



BRIAN J MILLER
President
Supervising Disciplinary Member
6/19/08

DATE



PETER CASEY, Esq
Assistant Attorney General
Attorney for Ohio Optical Dispensers Board
6/19/08