



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 **APRIL 16, 2009**

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD APRIL 16, 2009

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, April 16, 2009 at 9:10 A.M. at 77 South High Street, West B & C, 31ST Floor, Columbus. President Michael Hall called the meeting to order in open session.

BOARD MEMBERS IN ATTENDANCE:

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

Absent: A. Joseph Bitonte

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 regular agenda prior to the meeting.

IT WAS MOVED BY OSCAR J. WATSON AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE REGULAR AGENDA FOR THE APRIL 16, 2009 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

President's Report

President Hall welcomed the guests attending the meeting. President Hall informed the Board that he has two goals for his term as President of the Board:

1. Stay in weekly contact with the Executive Director in order to keep abreast of all facets of the business of the Board office; and,
2. Assist in the revision of the law for introduction and passage.

Approval of Minutes

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

Executive Director's Report

Director Manns informed the Board that this has been an extremely busy time for the Board office with budget issues, legislation regarding confidential, personal information, and the regularly scheduled semi-annual audit of the Board's office procedures.

Director Manns informed the Board that the request for fee increases had not been included in the budget bill as introduced (HB1). Director Manns also informed the Board that she had started the processes to have the fee increases added as an amendment to the Budget Bill; but there has been no word as to whether the request has been accepted in the amended version of the House Bill.

Director Manns informed the Board that the consolidation of back office functions continues to be a work in progress. There have been many meetings to discuss the definition of "back office" functions and to determine what additional tasks CSA can take on for the Boards in an effort to provide cost savings and more efficiency. As the language stands, each board or commission would enter into a Service Level Agreement with CSA for the services that CSA would provide to that individual board or commission. The language that is part of the budget bill ensures that each Board and Commission will maintain its autonomy.

Director Manns informed the Board that she had revised her personal goals for the coming year based on the prioritization of the Board's goals for 2009. She also explained, as she had done in the past, she would provide updates and progress on the personal goals at each Board meeting.

Director Manns informed the Board that included in the Board's packet was an insurance form for declaration of "Dependent Eligibility" which must be completed, signed and returned to Ms. Manns, regardless whether the individual has health insurance through the state or not.

Director Manns informed the Board that HB 628, 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 licensees' records that contain sensitive, confidential information, specifically SSN, 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. There will be only three representatives from the Boards &

Commissions and Director Manns is one of the appointed to the “logging” group. Director Manns advised that additional information, including a copy of the Governor’s latest directive issued April 6, 2009 had been included in the Board’s packets.

Director Manns informed the Board that the Board is currently being audited for the bi-annual regularly scheduled audit. This audit will be slightly different from the previous audit. The bulk of the audit will be conducted through CSA and will focus mainly on the revenue side of business transactions. The office has been asked to provide a limited number of documents to demonstrate how revenues are tracked through OAKS and reconciled with records in the office. Unlike the previous audit, the process is expected to be completed within a 2 week period.

Director Manns informed the Board that the purchase of the computers has been approved by OBM and that the 3 new HP computers have been ordered and have already been received. The amount of \$2,000 had been set aside for the purchase of two new computers; however, since the office computers are now 5 years old, we were able to purchase three. Ms. Manns was able to negotiate the purchase of the three computers for \$2,025.

Director Manns informed the Board that there have been more discussions of the moving of several offices on the 16th floor of the Riffe building, including ODB. Director Manns had a discussion with the state architects prior to the Board meeting. At this point, Director Manns plans to stick to the directive of the Board last year to not move the offices based on financial constraints and no appreciable benefit to the workings of the Board.

Approval of Rule Making Process Policy:

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD APPROVE THE POLICY, “RULE MAKING PROCESS” POLICY AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Financial Report

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY JAMES DEDARIO THAT THE FINANCIAL REPORT FOR CURRENT FY 2009 BE ACCEPTED AS SUBMITTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Strategic Planning – Rule changes:

Director Manns informed the Board that rules are to be promulgated and in place 90 days within the effective date of the passage of HB 648. However, due to the controversy on HB648, better known as “Joe-the-Plummer” bill, a reprieve has been given to develop a plan to implement the provisions of HB648. Director Manns informed the Board that both the policy and rules will need to address what records are involved; who has access to the different types of records; how access occurs; how to log access; and, disciplinary measures for violation of policies and the rules.

Board Governance/Planning-Board Goals-2009:

Director Manns reviewed the results of the survey of the prioritization of the Board’s goals for 2009 completed by Board members at the February, 2009 Board meeting. The results indicated that the three top goals were:

1. Complete proposed revisions to current law; find sponsor introduction to the legislative process;
2. Revise standards of apprenticeship training, reporting of progress of apprentice to Board;
3. Revise applications for apprenticeship/licensure.

Continuing Education

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

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY SUSAN BENDER 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.

Contact Lens Society of America – Albuquerque, NM – March 19-21, 2009:

31 Contact Lens Hours

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

“Do it – Write! How to write a Technical Paper” – 1 Management Hour

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

“Why Do We...Work with Optical Power?” – 1 Spectacle Hour

Opticians Association of Ohio- Fairborn, OH – April 19, 2009:

4 Spectacle Hours
4 Contact Lens Hours

American Society of Ocularists – Phoenix, AZ – March 22-27, 2009:

11 Ocularist Hours
1 Ocularist Hour with Infectious Control
1 Management Hour

Rooney Optical – Cleveland, OH – May 20, 2009:

2 Contact Lens Hours

Rooney Optical – Cleveland, OH – August 19, 2009:

2 Management

Younger Optics – Dublin, OH – April 21, 2009:

1 Spectacle Hours

Tennessee Dispensing Optician – Bristol, TN – April 26, 2009:

4 Spectacle Hours
4 Contact Lens Hours

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

“What’s the Latest Technology” – 2 Contact Lens Hours in addition to 2 Spectacle Hours already approved.

Approval of Licenses

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

After review of provisional licensure applications by Board members,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD APPROVE FOR LICENSURE THE APPLICANTS LISTED ON ADDENDUM 1.1 UPON RECEIPT OF THE CRIMINAL RECORDS CHECK INDICATING NO CRIMINAL RECORD. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

A.A.G. Report:

AAG Melissa Wilburn provided an update on the Flagel Realty vs. ODB. Ms. Wilburn informed the Board that on Monday, April 13, 2009 an agreement had been reached with the realtor. Ms. Wilburn stated that an Assistant Attorney General representing the Attorney General's office, a representative from the realtor's office and she went through the storage unit of Gary DeFrances and determined that the documents in the storage unit contained out-dated, non-medical information, and, for that reason could be destroyed Ms. Wilburn stated that she does not have a signed settlement agreement due to the recent resolution.

AAG Wilburn also informed the Board that she had filed an injunction against Hot Shot Fashion Beauty Supply, Sandusky, Ohio. During a meeting between the owner of Hot Shots, Ms. Wilburn and the judge assigned to the case, an agreed settlement was reached between the owner of Hot Shots and the Board. The owner agreed to never sell contact lenses in the store again and expressed understanding of the consequences of failure to abide by the injunction.

Discipline:

Investigator Lehman passed out copies of a signed Consent Agreements, Case Numbers 0908005, 0911014 and 0908018, for ratification by the Board.

After review of the Consent Agreement by Board members,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY SUSAN BENDER THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 0908005. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

After review of the Consent Agreement by Board members,

IT WAS MOVED BY OSCAR J. WATSON AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 0911014. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

After review of the Consent Agreement by Board members,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY JAMES FORTUNE, SR. THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 0908018. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

New Business:

Approval of out-of-state Opticianry Schools:

Michael Hall informed the Board that he had reviewed the material from Roane State Community College, School of Opticianry, Harriman, Tennessee which was requesting approval by the Board. The program is a two year program and is COA accredited. Upon completion of the program, graduates receive an Associates of Science of Opticianry degree. Mr. Hall stated that the documentation provided by the school demonstrated that the program met the statutory requirements to be approved as a Board approved school of Opticianry.

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY SUSAN BENDER THAT THE BOARD APPROVE THE ROANE STATE COMMUNITY COLLEGE, SCHOOL OF OPTICIANRY, HARRIMAN, TENNESSEE, AS A SCHOOL OF OPTICIANRY THAT MEETS THE EDUCATIONAL REQUIREMENTS FOR LICENSURE IN OHIO. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

OTHER ISSUES:

President Hall opened the floor to Board member James DeDario. Board member DeDario expressed his concern for an increasing number of continuing education seminars being submitted late and questioned whether the Board should establish requirements as to the reasons for the lateness.

After discussion,

IT WAS MOVED BY SUSAN BENDER AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD ALLOW THE EXECUTIVE DIRECTOR TO REVIEW FOR PENDING APPROVAL ALL CONTINUING EDUCATION SUBMISSIONS PRIOR TO RATIFICATION BEFORE THE FULL BOARD. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BRIAN J MILLER OPPOSED.

Hearing no other discussion on any other topic, President Hall adjourned the meeting at 11:15 AM, April 16, 2009.

ATTESTED:

PRESIDENT, MICHAL WM. HALL

EXECUTIVE DIRECTOR, NANCY MANNS

Future Board Meeting Dates:

June 18, 2009
August 20, 2009

October 15, 2009
December 3, 2009

ADDENDUM 1.0**ODB - Pending Applicants - Spectacle****Report Parameters**

Board = ODB

Credential prefix = S

Report generated on 4/10/2009 at 3:15:33 PM

name	address1	address2	city	statecode	zipcode
Aaron M. Boone	6711 Belmere Drive		Parma	OH	44129-5116
Kathy Lavinder Borton	12900 County Road East		Wauseon	OH	43567
Aaron C. Chapman	4941 River Trail Court		Columbus	OH	43228
Jake Coy	10816 Mapleton Street SE		East Canton	OH	44730
Tamara England	422 West Funderburg Road Apt C		Fairborn	OH	45324
Samuel J. Gilpin	2701 Courtney Place		Lewis Center	OH	43035
Brandi Wilson Haag	3312 Prospect Mt. Vernon Road W		Prospect	OH	43342
Tammie S. Hart	10133 Choctaw Drive NW		Canal Winchester	OH	43110
Ruthann J. Helwig	2936 Gunckel Boulevard		Toledo	OH	43606
Joshua Hohl	714 East Pearl Street		Toledo	OH	43608
Dorretta E. Huffman	11973 Concord Hambden Road		Concord Township	OH	44077
Betty L. McKenzie	4749 Croftshire Drive Apt 3B		Kettering	OH	45440
Monica Munoz	6376 Lear Nagle Road		North Ridgeville	OH	44039
Carrie Pernell	1449 South Weyant		Columbus	OH	43227
Kriston Reinhart	40 State Route 14		North Benton	OH	44449
Chris Roberts	5396 Leatherwood Drive		West Chester	OH	45069
Thomas E. Svetlik	382 Cornell Street		Akron	OH	44310
Merlyn M. Winters	5499 Blue Ash Road		Columbus	OH	43229

ODB - Pending Applicants - Spectacle/Contact Lens**Report Parameters**

Board = ODB

Credential prefix = SC

Report generated on 4/10/2009 at 3:24:38 PM

name	address1	address2	city	statecode	zipcode
Rashuan B. Amey	2001 South Defiance Street Lot 1		Ludlow	KY	41016
Deborah L. Hall	2405 East Snodgrass Road		Findlay	OH	45840

ODB - Pending Applicants - Reciprocity**Report Parameters**

Board = ODB

Credential prefix = SC

Report generated on 4/10/2009 at 3:13:03 PM

name	address1	address2	city	statecode	zipcode
Connie S. Fightmaster	3042 Highway 491		DeMossville	KY	41033

ADDENDUM 1.1

ODB - Provisional Applicants - Spectacle

Report Parameters

Board = ODB

Credential prefix = S

Report generated on 4/10/2009 at 3:15:33 PM

name	address1	address 2	city	statecod e	zipcode
Michele June Goshorn	5 Ledgewood Drive		Chillicothe	OH	45601
Jennifer S. Leanza	10306 Lake Meadows Drive		Strongsville	OH	44136
Cassandra Noble	1667 Blain Highway		Waverly	OH	45690
Bradley S. Ruckman	8601 Greenleaf Circle		Canal Fulton	OH	44614
Jason Stanley	8254 North Pisgah Ridge Road NW		McConnelsville	OH	43756

ODB - Provisional Applicants - Spectacle/Contact Lens

Report Parameters

Board = ODB

Credential prefix = SC

Report generated on 4/10/2009 at 3:24:38 PM

name	address1	address 2	city	statecod e	zipcode
Andrea Joy Gossard	480 Kenmore Street		New Carlisle	OH	45344
Jessica L. Hildebrand	3401 Western Avenue		Lima	OH	45801
Kymerly Anne McDaniel	700 Willowick Drive		Piqua	OH	45356
Stephen L. Rechnitzer	409 Caldly Court		Archbold	OH	43502

**CONSENT AGREEMENT
BETWEEN
MICHELE M. DUNCAN
AND
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **MICHELE DUNCAN**, Opticians, License No. 5310-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.

MICHELE DUNCAN 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 4725.52 of the Ohio Revised Code and Ohio Administrative Code 4726-5-02(A)(C). **MICHELE DUNCAN** failed to register an apprentice she 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, 4690 Midway Mall, Elyria, OH 44035 for the period of on or about July 1, 2007 through on or about July 30, 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**.

4. **MICHELE DUNCAN** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 5310-S.
5. **MICHELE DUNCAN** 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, **MICHELE DUNCAN** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

- A. **MICHELE DUNCAN** 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. **MICHELE DUNCAN** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.
- C. **MICHELE DUNCAN** 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 **MICHELE DUNCAN** 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, **MICHELE DUNCAN** 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. **MICHELE DUNCAN** 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

MICHELE DUNCAN 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 **MICHELE DUNCAN** 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**

MICHELE DUNCAN

BRIAN J MILLER
President
Supervising Disciplinary Member

DATE

DATE

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

DATE

**CONSENT AGREEMENT
BETWEEN
DENNIS A. GORE
AND
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **DENNIS GORE**, Opticians, License No. 6762-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.

DENNIS GORE 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 4725.53(7) of the Ohio Revised Code and Ohio Administrative Code 4726-5-02(A). **DENNIS GORE** employed an unregistered individual as an apprentice optician; 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 of this **CONSENT AGREEMENT**.

4. **DENNIS GORE** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 6762-S.
5. **DENNIS GORE** 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, **DENNIS GORE** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

- A. **DENNIS GORE** shall pay a fine of Two hundred and 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. **DENNIS GORE** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in his licensure file.
- C. **DENNIS GORE** 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 **DENNIS GORE** 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, **DENNIS GORE** 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. **DENNIS GORE** 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

DENNIS GORE 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 **DENNIS GORE** 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**

DENNIS A. GORE

BRIAN J MILLER
President
Supervising Disciplinary Member

DATE

DATE

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

**CONSENT AGREEMENT
BETWEEN
KIM M. OSBORN
AND
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **KIM OSBORN**, Opticians, License No. 4295-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.

KIM OSBORN 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 4726-5-02(A). **KIM OSBORN** employed an unlicensed individual as an apprentice optician; 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, 4690 Midway Mall, Elyria, OH 44035 for the period of on or about July 1, 2007 through on or about July 30, 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 of this **CONSENT AGREEMENT**.

4. **KIM OSBORN** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 4295-S.
5. **KIM OSBORN** 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, **KIM OSBORN** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

- A. **KIM OSBORN** shall pay a fine of Four hundred dollars (\$400.00) pursuant to Section 4725.53(A)(B) of the Ohio Revised Code. The four hundred dollar (\$400.00) 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. **KIM OSBORN** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.
- C. **KIM OSBORN** 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 **KIM OSBORN** 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, **KIM OSBORN** 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. **KIM OSBORN** 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

KIM OSBORN 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 **KIM OSBORN** 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**

KIM M. OSBORN

BRIAN J MILLER
President
Supervising Disciplinary Member

DATE

DATE

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