



OHIO OPTICAL DISPENSERS BOARD

77 SOUTH HIGH ST. 16TH FLOOR
COLUMBUS, OHIO 43215-6108
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MINUTES OF MEETING **AUGUST 20, 2009**

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD AUGUST 20, 2009

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, August 20, 2009 at 9:05 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.; 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; Leah O'Carroll, Assistant Attorney General; Wilma Simmons, Executive Secretary.

ADMINISTRATIVE MATTERS

Ordering of the Agenda

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

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY SUSAN BENDER THAT THE CONSENT AGENDA FOR THE AUGUST 20, 2009 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

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

IT WAS MOVED BY JOE BITONTE AND SECONDED BY JAMES FORTUNE, SR. THAT THE REGULAR AGENDA FOR THE AUGUST 20, 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 and the Board's new Assistant Attorney General, Leah O'Carroll.

President Hall informed the Board that he has been in contact with Director Manns on several occasions regarding the budget issues.

Approval of Minutes

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY OSCAR WATSON THAT THE MINUTES OF THE JUNE 18, 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 her personal goals and steps toward achieving those goals were documented and part of the Board's mailing packet.

Director Manns informed the Board that approximately 1,100 renewals were mailed out for apprentice registrations; 961 had renewed as of August 10, 2009; and, that apprentice registration renewals were still being received every day. As directed by the Board, Application for Renewal, Part II forms indicating if the apprentice had continued to dispense optical aids after expiration of their registration have been sent to the supervisors of those apprentices who are renewing past the expiration date. Any discipline based on a positive response will be done in accordance with the Board's policy.

Director Manns informed the Board that the Board's budget appropriation was decreased in the final version of the budget bill FY'10 from \$345,324 to \$316,664, a decrease of \$28,660 (8%). The appropriated amount was based on the actual expenses incurred by the Board in FY'08, but did not take into account the money encumbered from FY'07 to pay some of the expenses of FY'08. Based on the dollar amount of expenses paid in FY '09 for fixed costs such as rent, computer services, and Central Service Agency fees, the Board will be short approximately \$4000 and this is without the expenses of Board meetings, the Investigator's travel for investigations and office supplies. Ms. Manns went on to say that funds encumbered from FY '09 will now be available through the end of November, 2009. At the time of the Board meeting, \$12,505 of the \$16,600 of encumbered money has been spent for Department of Administrative Services and office supplies. Ms. Manns stated she will be going to the Controlling Board to regain, if not all, some of the funds that have been cut. Cost savings we have instituted: no longer sending apprentice drop notification letters; and, stopping the practice of sending a copy of the law and rules to newly licensed individuals.

Director Manns also informed the Board that she had not received a notification for a date and time for the final exit interview to conclude the recent audit conducted by the State Auditors. Director Manns informed the Board that the consolidation of back office functions under the auspices of Central Service Agency (CSA) was removed from the final version of the budget bill. CSA may request additional funding from the Controlling Board to restore this program. Director Manns informed the Board that she will be providing two-hour presentations on the law and rules regulating the practice of Opticianry and Ocularistry in Ohio at the ABO/NCLE National Educational Conference in Cincinnati on September 11, 2009 and at the East/West Eye Conference in Cleveland on October 2, 2009.

Letters from the Opticians Association of Ohio – Process for Seminars

President Hall opened the floor to guests Tom Barracato and Mark Bennett, Director, of the Opticians Association of Ohio (OAO). Mr. Barracato informed the Board that he appreciated the time allowed to members and staff of OAO at the last Board meeting to express the views of the OAO Board of Directors about restricting the amount of on-line continuing education that could be used toward licensure renewal. Mr. Barracato also stated he would be willing to answer any further questions the Board might have. Director Bennett also informed that Board that he wanted to discuss the changes to the process to review/approve continuing education at a later point in the agenda.

Special Orders:

Approval of Policy and Procedure for Approval of Continuing Education:

After discussion,

IT WAS MOVED BY SUSAN BENDER AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD TABLE THE POLICY, "APPROVAL OF CONTINUING EDUCATION" POLICY UNTIL CHANGES DISCUSSED HAVE BEEN MADE AND TO BRING THIS POLICY BACK TO THE OCTOBER BOARD MEETING. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Communication with Media, Legal and Legislative Communities and/or Government Officials:

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY JOE BITONTE THAT THE BOARD TABLE APPROVAL OF THE POLICY, "COMMUNICATION WITH MEDIA, LEGAL AND LEGISLATIVE COMMUNITIES AND/OR GOVERNMENT OFFICIALS" UNTIL CHANGES DISCUSSED HAD BEEN MADE AND THE REVISION OF THE POLICY WAS BROUGHT TO THE OCTOBER BOARD MEETING FOR RECONSIDERATION. 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 JOE BITONTE THAT THE FINANCIAL REPORT FOR CURRENT FY 2010 BE ACCEPTED AS SUBMITTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

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 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.

National Academy of Opticianry – Orlando, FL – October 17-18, 2009:

- 4 Spectacle/Contact Lens Hours
- 2 Spectacle/Contact Lens/Management Hours
- 4 Contact Lens Hours

Vision Expo West 2009 – Las Vegas, NV – September 30 2009 – October 3, 2009:

- 23 Spectacle Hours
- 12 Contact Lens Hours
- 1 Spectacle/Contact Lens Hour
- 5 Spectacle/Contact Lens/Ocularist Hours
- 71 Management Hours

ABO/NCLE National Conference – Cincinnati, OH – September 10 -13, 2009:

- 9 Spectacle Hours
- 1 Spectacle/Contact Lens Hour
- 5 Contact Lens Hours
- 2 Management Hours

American Society of Ocularists – San Francisco, CA– October 24-27, 2009:

- 10 Ocularist Hours
- 1 Management Hour

Shamir Insight, Inc. – Dublin, OH– October 21, 2009:

- 1 Spectacle

Opticians Association of Ohio- Boardman, OH – November 8, 2009:

- 4 Spectacle Hours
- 4 Contact Lens Hours

Essilor of America- Columbus, OH – September 19, 2009:

- 2 Spectacle Hours

A.A.G. Report:

AAG Leah O'Carroll informed the Board that there were no pending litigation cases at this time. AAG O'Carroll did want to make the Board aware of two legal decisions on court cases which may have an impact on future disciplinary cases before the Board and any appeals to Board disciplinary decisions. Because of these two decisions, AAG O'Carroll felt that the Board should be aware of the need to settle cases in a timely manner.

Discipline:

After review of the Consent Agreement for Case Number 0904024 by Board members, IT WAS MOVED BY BRIAN MILLER AND SECONDED BY SUSAN BENDER THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 0904024. MOTION ADOPTED BY VOTE OF THE BOARD MEMBERS PRESENT. PRESIDENT HALL ABSTAINED.
(See Addendum 2.0)

After review of the Consent Agreement for Case Number 0904025 by Board members, IT WAS MOVED BY SUSAN BENDER AND SECONDED BY JAMES DEDARIO THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 0904025. MOTION ADOPTED BY VOTE OF THE BOARD MEMBERS PRESENT. PRESIDENT HALL ABSTAINED.
(See Addendum 2.0)

After review of the Consent Agreement for Case Number 0904026 by Board members, IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 0904026. MOTION ADOPTED BY VOTE OF THE BOARD MEMBERS PRESENT. PRESIDENT HALL ABSTAINED.
(See Addendum 2.0)

New Business:

Approval of out-of-state Opticianry Schools:

Michael Hall informed the Board that he had reviewed a course syllabus from J. Sargeant Reynolds School of Opticianry and recommended that the Board accept the program as substantially similar to the requirements for the education of opticians in the state of Ohio.

After discussion,
IT WAS MOVED BY JOE BITONTE AND SECONDED BY JAMES DEDARIO THAT THE BOARD ACCEPT THE J. SARGEANT REYNOLDS SCHOOL OF OPTICIANRY AS A COLLEGE CURRICULUM THAT MEETS THE EDUCATIONAL REQUIREMENTS FOR LICENSURE AS AN OPTICIAN IN OHIO. MOTION WITHDRAWN BY JOE BITONTE AND JAMES DEDARIO.

After additional discussion,
IT WAS MOVED BY SUSAN BENDER AND SECONDED BY BRIAN MILLER THAT THE BOARD TABLE THE DISCUSSION AND VOTE ON THE J. SARGEANT REYNOLDS SCHOOL OF OPTICIANRY AS A COLLEGE CURRICULUM THAT MEETS THE EDUCATIONAL REQUIREMENTS FOR LICENSURE AS AN OPTICIAN IN OHIO UNTIL THE OCTOBER, 2009 BOARD MEETING TO GIVE TIME FOR FURTHER RESEARCH. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Strategic Planning:

Letters from the Opticians Association of Ohio – Limiting online continuing education

President Hall opened the floor to guests Tom Barracato and Mark Bennett from the Opticians Association of Ohio (OAO). Mr. Barracato once again asked that the Board consider limiting the amount of the required continuing education hours that may be obtained on-line for renewal of licenses. Mr. Barracato referred to the number of licensure states that limit the amount of on-line continuing education because “live continuing education is the best method for both explaining and demonstrating” new innovations. Mark Bennett, Executive Director, OAO, supported Mr. Barracato’s position.

AAG O’Carroll reminded the Board that to limit the amount of on-line continuing education would require, at a minimum, a rule change.

After discussion;

It was the consensus of the Board to place this matter on the agenda for the October, 2009 Board meeting for further discussion. President Hall requested that all Board members consider the request of OAO and to be prepared to discuss the pros and cons of the question: Should the amount of continuing education that is obtained through on-line courses for licensure renewal be limited?

Approval of Licenses

After review of licensure applications by Board members,
IT WAS MOVED BY JOE BITONTE AND SECONDED BY SUSAN C. BENES,
M.D. 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 SUSAN BENDER AND SECONDED BY BRIAN MILLER
THAT THE BOARD APPROVE FOR LICENSURE THE APPLICANT 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.

IT WAS MOVED BY SUSAN BENDER AND SECONDED BY SUSAN C. BENES,
M.D. THAT THE BOARD APPROVE FOR LICENSURE THE APPLICANT, APPRENTICE
NUMBER 10239, CONTINGENT ON RECIPT OF A CRIMINAL RECORDS CHECK
THAT INDICATES NO CRIMINAL ACTIVITY AFTER 2001. MOTION ADOPTED BY
UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Ohio Optical Dispensers Board Meeting Minutes
August 20, 2009
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Hearing no other discussion on any other topic, President Hall adjourned the meeting at 12:35 PM, August 20, 2009.

ATTESTED:

PRESIDENT, MICHAEL WM. HALL

EXECUTIVE DIRECTOR, NANCY MANNS

Future Board Meeting Dates:

October 15, 2009
December 3, 2009

ODB - Pending Applicants - Spectacle

Report Parameters

Board = ODB
 Credential prefix = S

Report generated on 8/17/2009 at 10:36:21 AM

name	address1	address 2	city	statecode	zipcode
Wanda Jo Ball	305 Quail Haven Drive		Columbus	OH	43235
William Raymond Barnecut	641 East Chestnut Street		Lancaster	OH	43130
Amy L. Bennett	6751 Brown Road		Oxford	OH	45056
Angela Marie Blanden	3146 Lincoln Street		Lorain	OH	44052
Amy D. Brock	2425 Neff Road		Dayton	OH	45414
Stacy K. Cowart	4 Jacobs Court		Fairborn	OH	45324
Ryan J. Dillard	16709 Myrtle Avenue		Cleveland	OH	44128
Matthew R. Erickson	1425 Southwind Drive		Mason	OH	45040
Kelly S. Gibson	1634 Turnberry Drive Apt A		Pickerington	OH	43147
Lori L. Gray	320 Imperial Drive		Hamilton	OH	45013
Jessica D. Hill	217 North Third Street		North Baltimore	OH	45872
Ashley Ann Krohmer	134 Uhler Avenue		Marion	OH	43302
Jennifer D. Mattern	4617 Belleview Avenue		Cincinnati	OH	45242
Peter T. Murphy	643 Orlando Avenue		Akron	OH	44320
Susan M. Prahst	10455 Lake Meadows Drive		Strongsville	OH	44136
Ronica L. Presley	2678 Haverknoll Drive		Cincinnati	OH	45231
Heather Ripley	19 Bender Street		Navarre	OH	44662
Nour Salameh	7411 Brook Park Road		Parma	OH	44129
Rebecca M. Schmitz	314 Westview Avenue		Cincinnati	OH	45215
Leatha Marie Schutte	822 East Court Street		Sidney	OH	45365
Amanda F. Shepherd	420 Vernon Road		Mansfield	OH	44905
Christy B. Stomoff	210 East Pease Avenue		West Carrollton	OH	45449
Christy L. Tope	123 Church Avenue SE Rear		New Philadelphia	OH	44663
Allison A. VanDyne	323 Harding Way West Apt 1		Galion	OH	44833
Carolyn L. Veccia	1276 Worthington Heights Blvd.		Columbus	OH	43235
Kimberley M. Vlach	701 Robin Drive		Eastlake	OH	44095
Terri Weickert	2785 County Road 170		Fremont	OH	43420
Susan E. Weldon	8835 Columbia Road		Maineville	OH	45039
Roberta L. Wells	4225 North Park Avenue		Warren	OH	44483
Amy M. Wilson	2064 Ashmore Drive Apt A		Kettering	OH	45420

ODB - Pending Applicants - Spectacle/Contact Lens

Report Parameters

Board = ODB

Credential prefix = SC

Report generated on 8/17/2009 at 11:13:56 AM

name	address1	address 2	city	statecod e	zipcod e
Tara Allen	1844 Surrey Trail Apt 12		Bellbrook	OH	45305
Ashley A. Anslow	2609 Westfield Avenue		Dayton	OH	45420
Shawn K. Backes	10777 Victory Road		Erie	MI	48133
Michelle E. Baxter	4305 South Main Street		Akron	OH	44319
Christine R. Blythe	28 East Eighth Street		Manchester	OH	45144
Daryl L. Brown	289 Goodhue Drive		Akron	OH	44313
Christina R. Chilelli	309 Water Street		Mount Orab	OH	45154-8957
Angela Michelle Coleman	24611 Ridgeline		Bedford Heights	OH	44146
Christine Elizabeth Cook	605 Elmwood Drive		Hubbard	OH	44425
Kayla N. Corner	1385 Pyramid Hill Boulevard		Hamilton	OH	45013
Andy Genson	19830 Dunbridge Road		Bowling Green	OH	43402
Njegos Golubovic	12800 Madison Avenue		Lakewood	OH	44107
Heidi H. Griffy	8148 Wadsworth Road		Wadsworth	OH	44281
James C. Hicks, II	633 Park Avenue		Piqua	OH	45356
Brenda S. Hoobler	PO Box 504		Jewett	OH	43986
Karen R. Kable	2862 Honeweir Road		Celina	OH	45822
Sherri Anne Keiber	8065 Agerter Road		Delphos	OH	45833
Paula Kimble	2876 State Route 39 NW		Dover	OH	44622
Casey M. Mahood	15000 Sprague Road Apt J44		Middleburg Heights	OH	44130
Barbara Anne Miller	1724 Wilbur Avenue		Fairborn	OH	45324
Amanda M. Mumma	3445 Richard Avenue		Grove City	OH	43123
Susan F. Nagy	4705 Crystal Lake Avenue		Canal Fulton	OH	44614
Julia M. Payton	527 South Westwood Avenue		Toledo	OH	43609
Donna R. Pinks	1051 East Home Road Apt A		Springfield	OH	45503
Stacy I. Poper	724 S College Street Apt 34		Bowling Green	OH	43402
Melissa S. Rhoads	2733 Troy Sidney Road		Troy	OH	45373-9796
Tina Marie Rice	9445 US Route 62 North		Hillsboro	OH	45133
Joanne M. Sroka	340 South Bridge Street		Belmont	OH	43718
Shirley Judy Sulier	807 Delaware Avenue		Montpelier	OH	43543
Kim M. Thorsby	4473 289th Street		Toledo	OH	43611-1925
Lindsey Dawn Tolliver	78 Frost Avenue		Peebles	OH	45660
Katherine A. Turner	201 West Nimisila Road		Akron	OH	44319
Marina Ucadze	9251 Page Road		Streetsboro	OH	44241
Sandra Vergara	5467 Diamond Loch		Columbus	OH	43228
Donna L' Rae Vines	3408 Church Drive		Lorain	OH	44053

ODB - Pending Applicants - Reciprocity - Spectacle

Report Parameters

Board = ODB
Credential prefix = S

Report generated on 8/17/2009 at 10:33:08 AM

name	address1	address 2	city	statecod e	zipcod e
Kyle Stephen Osborne	2103 Orchard Lakes Court #12		Toledo	OH	43615

ODB - Pending Applicants - Reciprocity - Spectacle/Contact Lens

Report Parameters

Board = ODB
Credential prefix = SC

Report generated on 8/17/2009 at 10:34:29 AM

name	address1	address 2	city	statecod e	zipcod e
Jennifer Diane Nelson	920 Carpenter Road		Loveland	OH	45140-8104
Brannaird G. Riley	8658 Maisch Street		Blacklick	OH	43004

ODB – Provisional Applicants - Spectacle/Contact Lens

Report Parameters

Board = ODB
Credential prefix = SC

Report generated on 8/20/2009 at 9:04:40 AM

name	address1	address2	city	statecode	zipcode
Sarah G. Meadows	89 Wainwright Drive		Riverside	OH	45431

**CONSENT AGREEMENT
BETWEEN
MARY LYNN MORGAN
AND
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **MARY LYNN MORGAN**, Opticians, License No. 7390-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 hereunder.

MARY LYNN MORGAN 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). **MARY LYNN MORGAN** failed to insure that apprentices worked with a direct supervisor and allowed the individuals to engage in the practice of dispensing optical aids, without a licensee in the store, as observed by the Board's investigator on April 6, 2009. Their direct supervisor was on medical leave at Pearle Vision, 1150 Polaris Parkway, Columbus, OH 43240 for the period of on or about February 15, 2009 through on or about April 14, 2009.

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, **MARY LYNN MORGAN** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

- A. **MARY LYNN MORGAN** shall pay a fine of One hundred dollars (\$100.00) pursuant to Section 4725.53(A)(B) of the Ohio Revised Code. The one hundred dollar (\$100.00) 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. **MARY LYNN MORGAN** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.
- C. **MARY LYNN MORGAN** 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 **MARY LYNN MORGAN** 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, **MARY LYNN MORGAN** 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. **MARY LYNN MORGAN** 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

MARY LYNN MORGAN 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 **MARY LYNN MORGAN** 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**

MARY LYNN MORGAN

MICHAEL WM. HALL
President
Supervising Disciplinary Member

DATE

DATE

LEAH O'CARROLL, Esq
Assistant Attorney General
Attorney for Ohio Optical Dispensers Board

DATE

**CONSENT AGREEMENT
BETWEEN
YVETTE RENEE POTTS
AND
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **YVETTE RENEE POTTS**, Opticians, License No. 7514-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.

YVETTE RENEE POTTS 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). **YVETTE RENEE POTTS** failed to insure the apprentices she supervised, registered under a different direct supervisor during her absence and allowed the individuals to hold themselves out as an apprentice optician; and, allowed the individuals to engage in the practice of dispensing optical aids at Pearle Vision, 1150 Polaris Parkway. Columbus, OH 43240 for the period of on or about February 15, 2009 through on or about April 14, 2009.

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 there under, whether occurring before or after the effective date of this **CONSENT AGREEMENT**.

4. **YVETTE RENEE POTTS** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 7514-S.

5. **YVETTE RENEE POTTS** 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, **YVETTE RENEE POTTS** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

A. **YVETTE RENEE POTTS** shall pay a fine of two hundred dollars (\$200.00) pursuant to Section 4725.53(A)(B) of the Ohio Revised Code. The two hundred dollar (\$200.00) 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. **YVETTE RENEE POTTS** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.

C. **YVETTE RENEE POTTS** 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 **YVETTE RENEE POTTS** 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, **YVETTE RENEE POTTS** 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. **YVETTE RENEE POTTS** 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

YVETTE RENEE POTTS 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 **YVETTE RENEE POTTS** 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**

YVETTE RENEE POTTS

MICHAEL WM. HALL
President
Supervising Disciplinary Member

DATE

DATE

LEAH O'CARROLL, Esq
Assistant Attorney General
Attorney for Ohio Optical Dispensers Board

DATE

**CONSENT AGREEMENT
BETWEEN
HEIDI YUTZY
AND
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **HEIDI YUTZY**, Opticians, License No. 7385-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.

HEIDI YUTZY 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). **HEIDI YUTZY** failed to insure that apprentices worked with a direct supervisor and allowed the individuals to hold themselves out as an apprentice optician; and allowed the individuals to engage in the practice of dispensing optical aids, while their direct supervisor was on medical leave at Pearle Vision, 1150 Polaris Parkway, Columbus, OH 43240 for the period of on or about February 15, 2009 through on or about April 14, 2009.

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 there under, whether occurring before or after the effective date of this **CONSENT AGREEMENT**

4. **HEIDI YUTZY** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 7385-S.

5. **HEIDI YUTZY** 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, **HEIDI YUTZY** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

A. **HEIDI YUTZY** shall pay a fine of One hundred dollars (\$100.00) pursuant to Section 4725.53(A)(B) of the Ohio Revised Code. The one hundred dollar (\$100.00) 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. **HEIDI YUTZY** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.

C. **HEIDI YUTZY** 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 **HEIDI YUTZY** 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, **HEIDI YUTZY** 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. **HEIDI YUTZY** 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

HEIDI YUTZY 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 **HEIDI YUTZY** 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**

HEIDI YUTZY

MICHAEL WM. HALL
President
Supervising Disciplinary Member

DATE

DATE

LEAH O'CARROLL, Esq
Assistant Attorney General
Attorney for Ohio Optical Dispensers Board

DATE