



OHIO OPTICAL DISPENSERS BOARD

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

APRIL 15, 2010

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD APRIL 15, 2010

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, April 15, 2010 at 9:05 A.M. at 77 South High Street, East B, 31st Floor, Columbus. President Michael Hall called the meeting to order in open session.

BOARD MEMBERS IN ATTENDANCE:

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

Absent: Susan Bender, Vice President

STAFF MEMBERS IN ATTENDANCE:

Present: Nancy L. Manns, Executive Director; William Lehman, Investigator; 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 J MILLER AND SECONDED BY JAMES DEDARIO THAT THE CONSENT AGENDA FOR THE APRIL 15, 2010 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 OSCAR WATSON AND SECONDED BY THOMAS BARRACATO THAT THE REGULAR AGENDA FOR THE APRIL 15, 2010 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

President's Report

President Hall welcomed the guest attending the meeting. Mr. Hall also introduced and welcomed new Board member Tom Barracato. Mr. Brian Miller was congratulated on his reappointment to the Board.

President Hall thanked the Board for the opportunity to serve as Board President for the past year and thanked the staff for their work on the behalf of the Board.

Approval of Minutes

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE MINUTES OF THE FEBRUARY 11, 2010 BOARD MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Executive Director's Report

Director Manns informed the Board that as President Hall had previously stated the Governor's office has officially re-appointed Brian Miller and appointed Tom Barracato to replace the expiring term of A. Joseph Bitonte. Two appointments remained to be filled for the expiring terms for Oscar Watson and James DeDario.

Director Manns informed the Board that the election of officers was on the agenda for the meeting and requested that all Board members turn in their nomination forms so that a ballot could be prepared for voting.

Director Manns informed the Board that the renewal period for licensees is over and that out of the 3,293 renewals mailed, 3,162 renewed. This is a decrease of 131 Licensed Opticians; however, 25 new licenses were issued in February to offset this number to a net loss of 106. There are currently 1,248 registered Apprentices.

Director Manns stated that the Board would be conducting the mandatory five-year Rule review. To facilitate the process, Ms. Manns had formulated a schedule so that a set of rules would be reviewed at each of the next three Board meetings with the goal to have the rules ready for filing in the Fall. Director Manns also stated that she would then like to change the five-year review date on certain rules so that the Board would be reviewing some rules each year and not have to do them all at one time.

Director Manns informed the Board that there was another Ocularist from out of state coming to Ohio to take the Board Ocularist licensure exam. The individual will be taking the exam on Friday, June 11, 2010.

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 they should have mailed their Financial Disclosure forms since they needed to be completed and turned in by April 15, 2010.

Director Manns informed the Board that Apprentice renewals will be mailed out the week of May 3, 2010.

Director Manns informed the Board that she had been requested to provide presentations at the ABO Educational Conference in Cincinnati in September and at the East/West Conference in Cleveland in October.

Special Orders:

Election of 2010 Officers:

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY JAMES DEDARIO THAT THE BOARD ACCEPT THE SLATE OF OFFICERS NOMINATED FOR 2010. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Election ballots were distributed to each Board member. After a count of the votes, President Hall announced to the Board that Susan Bender was elected President of the Board; Brian Miller was elected Vice President of the Board; and, James Fortune was elected Treasurer of the Board for the period of April 22, 2010-March 21, 2011.

Reaffirmation and Approval of Policy: Supervising Disciplinary Member:

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD RE-AFFIRM THE POLICY "SUPERVISING DISCIPLINARY MEMBER" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Reaffirmation of Policy: Submission of Hours Worked by Board Members in Discharge of Official Duties:

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD REAFFIRM THE POLICY "SUBMISSION OF HOURS WORKED BY BOARD MEMBERS IN DISCHARGE OF OFFICIAL DUTIES" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Reaffirmation of Policy: Processing Ohio Bureau of Criminal Identification and Investigation (BCII) and Federal Bureau of Investigation (FBI) Reports:

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD REAFFIRM WITH AMENDMENTS THE POLICY "PROCESSING OHIO BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION (BCII) AND FEDERAL BUREAU OF INVESTIGATION (FBI) REPORTS" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Reaffirmation of Policy: Electronic Prescription:

After discussion,

IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD REAFFIRM THE POLICY "ELECTRONIC PRESCRIPTION" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Financial Report

After discussion,

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY SUSAN C. BENES, M.D. THAT THE FINANCIAL REPORT FOR CURRENT FY 2010 BE ACCEPTED AS SUBMITTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Strategic Planning

President Hall informed the Board that Ms. Manns had included in the Board mailing packet the results of the prioritization by Board member of the goals of the Board for 2010. The results were as follows, in order of priority:

1. Revise standards of apprenticeship training, reporting of progress of apprentice to Board.
2. Explore processes for on-line licensure renewal.
3. Prioritize proposed revisions to current law; find sponsor for introduction to legislative process.
4. Revise standards of formal education to include a combination of formal education and on-the-job training.
5. Ongoing review of policy and procedure manual.
6. Revise standards of education to allow for combination of high school or adult education programs.
7. Evaluate effectiveness and processes of and for discipline/compliance.
8. Evaluate effectiveness and processes of Board meetings.
9. Revise applications for apprenticeship/licensure.

It was agreed by consensus that, although on-line renewal of licenses was #2 in priority, Director Manns informed the Board that she would have to make it a top priority item in order for on-line renewals to be set up and ready for the upcoming 2011 renewal for licensees.

Five Year Rule Review

After discussion,

It was the consensus of the Board that the Board approve the five-year rule review plan as presented. It was also the consensus of the Board that a task force be set up to include all interested parties to develop a consensus on proposed changes for the five-year rule review. The following rules were discussed and suggestions were made which will be brought back to the June Board meeting:

- 4726-1-01 – Public Notice
- 4726-2-01 – Definitions
- 4726-3-01 – Board Organization
- 4726-3-02 – Rules
- 4726-3-03 – Notice of Meetings

Continuing Education

After review by Board members of applications submitted for approval of continuing education hours and discussion,
IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY OSCAR WATSON 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.

Rooney Optical – Cleveland, OH – April 22, 2010:

- 1 Spectacle Hour
- 1 Management Hour

Rooney Optical – Brookpark, OH – May 6, 2010:

- 2 Spectacle Hours

Cherry Optical – Dearborn, MI – April 17, 2010:

- 14 Spectacle Hours
- 2 Contact Lens Hours
- 12 Management Hours

Ohio Optometric Association – Lewis Center, OH – May 5, 2010:

- 3 Management Hours

Essilor of America – Northfield, OH – July 31, 2010:

- 1 Spectacle Hour

Opticians Association of Ohio – Fairborn, OH – October 17, 2010:

- 4 Spectacle Hours
- 4 Contact Lens Hours

Approval of Licenses

After review of licensure applications by Board members,
IT WAS MOVED BY BRIAN J MILLER 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 BRIAN J MILLER AND SECONDED BY SUSAN C. BENES, M.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.

Discipline:

After review of the Consent Agreement for Case Number 1010011 by Board members, IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY BRIAN J MILLER THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 1010011. 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 1010020 by Board members, IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY OSCAR WATSON THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 1010020. 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 1001022 by Board members, IT WAS MOVED BY TIMOTHY FRIES, O.D. AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 1001022. 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 0904028 by Board members, IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY THOMAS BARRACATO THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 0904028. MOTION ADOPTED BY VOTE OF THE BOARD MEMBERS PRESENT. PRESIDENT HALL ABSTAINED.
(See Addendum 2.0)

New Business:

Practice Question – Release of P.D. Measurements

After discussion,

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY THOMAS BARRACATO THAT THE BOARD APPROVE AS AMENDED THE FAQ CONCERNING THE RELEASE OF P.D. MEASUREMENTS BY AN OPTICIAN TO BE POSTED ON THE BOARD'S WEB PAGE. MOTION ADOPTED BY VOTE OF THE BOARD MEMBERS PRESENT. PRESIDENT HALL ABSTAINED.

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Other Issues/Discussion/Reports from Board Members:

President Hall presented James DeDario, Oscar Watson and Brian J Miller with “Certificates of Appreciation” for their years of service on the Board.

Hearing no other issues for discussion, President Hall adjourned the meeting at 12:00 Noon, April 15, 2010.

ATTESTED:

PRESIDENT, MICHAEL WM. HALL

EXECUTIVE DIRECTOR, NANCY MANNS

Future Board Meeting Dates:

June 17, 2010
August 19, 2010
October 21, 2010
December 2, 2010

ODB - Pending Applicants - Spectacle

Report Parameters

Board = ODB

Credential prefix = S

Report generated on 4/13/2010 at 2:39:39 PM

name	address1	address2	city	statecode	zipcode
Melissa K. Adams	1980 Beacon Street		Washington Court House	OH	43160
April Marie Davidson	1414 Finch Lane		Milford	OH	45150
Cynthia Gayle James	1771 East Huntley Road		Goshen	OH	45122
Robert Dean Johnson II	4241 Springport Drive		Grove City	OH	43123
Chris Lukondi	781 Carderwood Court #A		Lebanon	OH	45036
Melody A. Park	254 Narrows Road		Chillicothe	OH	45601
Angela M. Prosen	12153 Prentiss Road		Garrettsville	OH	44231
Teri A. Schmidt	1139 Windsong Trail		Fairborn	OH	45324
Justin S. Sears	313 Walnut		Niles	OH	44446
Diane R. Seybert	8735 Tippecanoe Road		Canfield	OH	44406
Alicia J. Stepp	1175 Spruce Court		Kent	OH	44240
Patience A. Uzuakpundu	969 Atlantic Avenue Apt 663		Columbus	OH	43229
Jessamyn A. VanHoose	PO Box 365		North Lewisburg	OH	43060
Greggory K. Viles	5121 Secor Road #8		Toledo	OH	43623
Wanda D. York	15764 Tavern Road		Burton	OH	44021

ODB - Pending Applicants - Spectacle/Contact

Report Parameters

Board = ODB

Credential prefix = SC

Report generated on 4/13/2010 at 2:57:02 PM

name	address1	address2	city	statecode	zipcode
Cortney M. Anderson	19632 State Route 180		Laurelville	OH	43135
Stefanee A. Berman	8241 Catalpa Ridge Drive		Blacklick	OH	43004
Silvia Denise Gary	1935 Christie Street		Toledo	OH	43606
Deborah L. Meese	1369 Autumn Drive		Lancaster	OH	43130
Kriston Lynn Reinhart	1025 West Riddle Avenue		Ravenna	OH	44266
Tara L. Ulichney	1446 Union Street		Barberton	OH	44203

ODB - Pending Applicants - Reciprocity - Spectacle/Contact Lens

Report Parameters

Board = ODB

Credential prefix = SC

Report generated on 4/13/2010 at 2:32:18 PM

name	address1	address2	city	statecode	zipcode
Elizabeth Joyce Hardy	36 Riley Road		Lunenburg	MA	01462

ODB - Provisional Applicants - Spectacle

Report Parameters

Board = ODB
Credential prefix = S

Report generated on 4/13/2010 at 2:39:39 PM

name	address1	address2	city	statecode	zipcode
David Lance Durden	301 Lakewood Drive		North Augusta	SC	29841
Brenda A. Fenwick	6021 Nagy Road		Celina	OH	45822
Anne Renee' Riggs	2438 Covey Run South		Cincinnati	OH	45230

ODB - Provisional Applicants - Spectacle/Contact

Report Parameters

Board = ODB
Credential prefix = SC

Report generated on 4/13/2010 at 2:57:02 PM

name	address1	address2	city	statecode	zipcode
Julie K. Yetzer	1205 Township Road 1656		Ashland	OH	44805

**ODB - Provisional Applicants - Reciprocity -
Spectacle/Contact Lens**

Report Parameters

Board = ODB
Credential prefix = SC

Report generated on 4/13/2010 at 2:32:18 PM

name	address1	address2	city	statecode	zipcode
Michelle R. Wooldridge	108 Dove Run		Nicholasville	KY	40356

**CONSENT AGREEMENT
BETWEEN
TAMARA GASSER
AND
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **TAMARA GASSER**, Opticians, License No. 10068-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.

TAMARA GASSER 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). **TAMARA GASSER** was employed as a Licensed Dispensing Optician at Eyemasters, 7850 Mentor Ave., Mentor, OH 44060 and was registered as the direct supervisor of apprentice #10615. **TAMARA GASSER** failed to insure that apprentice #10615 renewed her apprentice registration by July 1, 2009. Subsequently, **TAMARA GASSER** allowed apprentice #10615 to hold herself out to the public as a registered apprentice and permitted apprentice #10615 to engage in the practice of dispensing optical aids for the period of on or about July 1, 2009 through on or about October 7, 2009 at Eyemasters, Mentor, OH .

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. **TAMARA GASSER** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 10068-S.

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

A. **TAMARA GASSER** 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. **TAMARA GASSER** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.

C. **TAMARA GASSER** 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 **TAMARA GASSER** as long as she is in compliance with the terms and conditions of this **CONSENT AGREEMENT**.

FAILURE TO COMPLY

If, in the discretion of the Board or its Designate, **MS. GASSER** appears to have violated or breached any term or condition of this Agreement, the Board reserves the right to institute formal disciplinary proceedings pursuant to ORC 4725.53 or rules promulgated under OAC 4726 for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this **CONSENT AGREEMENT**.

Any action initiated by the Board based on alleged violations of this Agreement shall comply with the Administrative Procedure Act, Chapter 119, of the Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

The terms, limitations and conditions of this Consent Agreement may be modified or terminated, in writing, at any time upon the agreement of both **MS. GASSER** and the Board.

ACKNOWLEDGEMENTS/LIABILITY RELEASE

TAMARA GASSER agrees that in the event the Board, in its discretion, does not ratify 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. **MS. GASSER** 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.

MS. GASSER acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

MS. GASSER waives all of her rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

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**

TAMARA M. GASSER

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
CHRISTINA UPHOLZ
AND
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **CHRISTINA UPHOLZ**, Opticians, License No. 4744-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.

CHRISTINA UPHOLZ 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) the **CHRISTINA UPHOLZ** was employed as the General Manager at Eyemasters, 7850 Mentor Ave., Mentor, OH 44060. In addition, **CHRISTINA UPHOLZ** was registered as the direct supervisor of Apprentice #9925. **CHRISTINA UPHOLZ** failed to insure that apprentice #9925 and apprentice #10615 renewed their respective apprentice registrations prior to July 1, 2009. Subsequently, **CHRISTINA UPHOLZ** allowed apprentices #9925 and #10615 to hold themselves out to the public as registered apprentices and permitted these apprentices to engage in the practice of dispensing optical aids for the period of on or about July 1, 2009 through on or about October 13, 2009. At Eyemasters, Mentor, OH.

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. **CHRISTINA UPHOLZ** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 4744-S.

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

A. **CHRISTINA UPHOLZ** 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. **CHRISTINA UPHOLZ** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.

D. **CHRISTINA UPHOLZ** 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 **CHRISTINA UPHOLZ** as long as she is in compliance with the terms and conditions of this CONSENT AGREEMENT.

FAILURE TO COMPLY

If, in the discretion of the Board or its Designate, **MS. UPHOLZ** appears to have violated or breached any term or condition of this Agreement, the Board reserves the right to institute formal disciplinary proceedings pursuant to ORC 4725.53 or rules promulgated under OAC 4726 for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this CONSENT AGREEMENT.

Any action initiated by the Board based on alleged violations of this Agreement shall comply with the Administrative Procedure Act, Chapter 119, of the Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

The terms, limitations and conditions of this Consent Agreement may be modified or terminated, in writing, at any time upon the agreement of both **MS. UPHOLZ** and the Board.

ACKNOWLEDGEMENTS/LIABILITY RELEASE

CHRISTINA UPHOLZ agrees that in the event the Board, in its discretion, does not ratify 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. **MS. UPHOLZ** 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.

MS. UPHOLZ acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

MS. UPHOLZ waives all of her rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

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**

CHRISTINA UPHOLZ

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
LESLIE WEIDNER
AND
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **LESLIE WEIDNER**, Opticians, License No. 5658-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.

LESLIE WEIDNER 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 Sections 4725.52 and 4725.53(A)(7) of the Ohio Revised Code **LESLIE WEIDNER** employed an unregistered individual as an apprentice optician; allowed the individual to hold themselves out to the public as an apprentice optician; and, allowed the individual to engage in the practice of dispensing optical aids at Wal-Mart, 22209 Rockside Rd., Bedford, OH 44146 for the period of on or about August 15, 2008 through on or about May 11, 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 thereunder, whether occurring before or after the effective date of this **CONSENT AGREEMENT**.

4. **LESLIE WEIDNER** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 5658-SC.
5. **LESLIE WEIDNER** 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, **LESLIE WEIDNER** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

A. **LESLIE WEIDNER** 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. **LESLIE WEIDNER** shall be on probation for 1 year from the date this consent agreement is ratified by the Board and will be required to meet the following conditions:

EMPLOYMENT CONDITIONS

Prior to accepting employment as a Dispensing Optician, each time with every employer, **MS. WEIDNER** shall notify the Board.

MS. WEIDNER shall have her employer(s), if working in a position where a Licensed Dispensing Optician is required, submit on a quarterly basis written reports regarding her job performance. **MS. WEIDNER** shall provide her employer(s) with a copy of this order and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this order. Further, **MS. WEIDNER** is under continuing duty to provide a copy of this order to any new employer prior to accepting employment.

Leslie Weidner
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Ms. Weidner shall submit any and all information that the Board requests regarding her ability to practice according to acceptable and prevailing standards of safe optical dispensing.

Ms. Weidner shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.

Ms. Weidner shall submit the reports and documentation required by this order on forms specified by the Board. All reporting and communications required by this order shall be made to the Investigator of the Board.

Ms. Weidner shall submit the reports and documentation required by this order or any other documents required by the Board to the attention of the Investigator, Ohio Optical Dispensers Board, 16th Floor, 77 South High Street, Columbus, Ohio 43215-6108.

Ms. Weidner shall verify that the reports and documentation required by this order are received in the Board office.

Ms. Weidner shall inform the Board within five(5) business days, in writing of any change in employment status or of any change in residential or home address or telephone number.

This disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.

C. **LESLIE WEIDNER** shall obey all laws and rules of the Ohio Revised Code and Ohio Administrative Code governing Licensed Opticians in Ohio.

FAILURE TO COMPLY

If, in the discretion of the Board or its Designate, **MS. WEIDNER** appears to have violated or breached any term or condition of this Agreement, the Board reserves the right to institute formal disciplinary proceedings pursuant to ORC 4725.53 or rules promulgated under OAC 4726 for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this CONSENT AGREEMENT.

Any action initiated by the Board based on alleged violations of this Agreement shall comply with the Administrative Procedure Act, Chapter 119, of the Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

The terms, limitations and conditions of this Consent Agreement may be modified or terminated, in writing, at any time upon the agreement of both **MS. WEIDNER** and the Board.

ACKNOWLEDGEMENTS/LIABILITY RELEASE

LESLIE WEIDNER agrees that in the event the Board, in its discretion, does not ratify 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. **MS. WEIDNER** 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.

MS. WEIDNER acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

MS. WEIDNER waives all of her rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

EFFECTIVE DATE

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

**THE OHIO OPTICAL DISPENSERS
BOARD**

LESLIE WEIDNER

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
SHAFEEQA HUSSEIN-BEY
AND
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **SHAFEEQA HUSSEIN-BEY**, Opticians, License No. 9857-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.

SHAFEEQA HUSSEIN-BEY 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 4725.51 of the Ohio Revised Code and Ohio Administrative Code 4726-11-01(A). **SHAFEEQA HUSSEIN-BEY** failed to obtain her continuing education credits within the immediately preceding one-year period, namely January 1, 2009 to December 31, 2009, for renewal of her optical license for the 2010 renewal period.
3. **MS. HUSSEIN-BEY** has demonstrated a pattern of renewing her license after December 31, of each year: **MS. HUSSEIN-BEY** renewed late and was required to pay the \$75.00 late fee three out of four recent renewal periods. **MS HUSSEIN-BEY** was granted her initial license on August 17, 2006.

4. 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**.

5. **SHAFEEQA HUSSEIN-BEY** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 9857-S.

6. **SHAFEEQA HUSSEIN-BEY** 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, **SHAFEEQA HUSSEIN-BEY** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

A. **SHAFEEQA HUSSEIN-BEY** shall obtain 4 (four) Spectacle Board approved continuing education hours, that will be retained for her 2011 license renewal. **MS. HUSSEIN-BEY** may not use the same 4 spectacle hours she used for her 2010 renewal. The 4 (four) Spectacle hours 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 March 30, 2010.

B. **SHAFEEQA HUSSEIN-BEY** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.

C. **SHAFEEQA HUSSEIN-BEY** 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 **SHAFEEQA HUSSEIN-BEY** as long as she is in compliance with the terms and conditions of this **CONSENT AGREEMENT**.

FAILURE TO COMPLY

If, in the discretion of the Board or its Designate, **MS. HUSSEIN-BEY** appears to have violated or breached any term or condition of this Agreement, the Board reserves the right to institute formal disciplinary proceedings pursuant to ORC 4725.53 or rules promulgated under OAC 4726 for any and all possible violations or breaches, including but limited to, alleged violations of the laws of Ohio occurring before the effective date of this **CONSENT AGREEMENT**.

Any action initiated by the Board based on alleged violations of this Agreement shall comply with the Administrative Procedure Act, Chapter 119, of the Ohio Revised Code.

ACKNOWLEDGEMENTS/LIABILITY RELEASE

SHAFEEQA HUSSEIN-BEY agrees that in the event the Board, in its discretion, does not ratify 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. **MS. HUSSEIN-BEY** agrees that should the **BOARD** rejects this **CONSENT AGREEMENT** and if this case proceeds to hearing, she will assert no claim that the **BOARD** was prejudiced by this review and discussion of this **CONSENT AGREEMENT** or of any information relating thereto.

MS. HUSSEIN-BEY acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

MS. HUSSEIN-BEY waives all of her rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

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**

SHAFEEQA HUSSEIN-BEY

MICHAEL WM. HALL
President
Supervising Disciplinary Member

DATE

DATE

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

DATE