



## **OHIO OPTICAL DISPENSERS BOARD**

77 SOUTH HIGH ST. 16<sup>TH</sup> FLOOR  
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### **MINUTES OF MEETING** **APRIL 21, 2011**

#### **REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD APRIL 21, 2011**

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, April 21, 2011 at 9:10 A.M. at 77 South High Street, East B, 31<sup>st</sup> Floor, Columbus. President Susan Bender called the meeting to order in open session.

#### **BOARD MEMBERS IN ATTENDANCE:**

Present: Susan Bender, President; Brian J Miller, Vice President; James Fortune, Sr., Treasurer; Thomas Barracato; Susan C. Benes, M.D.; Timothy Fries, O.D.; Paul R. King.  
Absent: Michael Wm. Hall

#### **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 regular agenda prior to the meeting. IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY SUSAN C. BENES, M.D. THAT THE REGULAR AGENDA FOR THE APRIL 21, 2011 MEETING BE APPROVED AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

##### **President's Report**

President Bender welcomed the guests and asked that they introduce themselves to the Board and other guests.

##### **Approval of Minutes**

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE MINUTES OF THE FEBRUARY 17, 2011 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 Thomas Fries, Sr., Dublin, who had been appointed in December, 2010 to the Board as the Senior Public Member, turned in his resignation from the Board. Director Manns further informed the Board that there is still no word on the appointments for the Optician and Ophthalmologist vacancies. Director Manns stated that she

has notified the Opticians Association of Ohio, Ohio State Medical Association, and the Ohio Optometric Association of the upcoming vacancies as well as the Governor's office. The application for appointment as a Board member can be found on Governor Kasich's web page.

Director Manns discussed with the Board the process of e-mailing board meeting materials between Board meetings instead of mailing packets to Board members prior to Board meetings. Director Manns further informed the visitors that if they would like an advance copy of the board packet to send her their e-mail address and she would add them to the e-mail mailing list.

Director Manns stated that the Rules presented at the February Board meeting remain in the to be re-filed (TBR) status.

Director Manns informed the Board that she provided budget testimony before the House Higher Education Sub-committee, chaired by Representative Randy Gardner. Ms. Manns stated that the members of the committee asked thoughtful questions particularly regarding the illegal sales of contact lenses and the apprentice programs. Director Manns further informed the Committee members that the proposed allotment for FY' 12 was adequate for the needs and expenditures, but the proposed allotment for FY' 13 would require the Board to decrease services including elimination of on-line renewals.

Director Manns informed the Board that the actual budget language was released after the testimony to the committee which made it difficult to address the issues of additional revenue generation. The budget language gave the Board all changes in fees with the exception of the ability to discipline and fine for violations of the administrative code. Director Manns is working with the budget analyst to make that language part of the amended budget bill.

Director Manns informed the Board that her personal goals for 2011 had been included in the Board's e-mailing packet. Updated copies are to be provided to the Board at each Board meeting.

Director Manns informed the Board that the on-line renewal was a success leaving the Board with the highest rate of renewal during the five years that she has been with the Board. There were less than 110 licensees who failed to renew as compared to an average of 180-190 in previous years.

Director Manns informed the Board that Investigator Lehman is starting to develop a process to initiate the random audit for compliance with continuing education. It is expected that we will audit approximately 50% of those who renewed on-line.

Director Manns informed the Board that she has been working with Jim Gandorf, Executive Director of ABO/NCLE to review the Board's current contract with ABO/NCLE for the administration of the national qualifying exam. The contract had not been reviewed since 2004. The new contract is currently under review by the attorneys of ABO/NCLE.

Director Manns informed the Board that Senate Bill 5 would change how the Board pay will be set; and would now be determined by the Director of the Department of Administrative Services (DAS). A representative will be at the April 28, 2011 Ohio Boards & Commissions Management Group meeting to provide information on how exactly the passage of Senate Bill 5 will impact Boards and Commissions.

Director Manns discussed with the Board the idea of setting up a Twitter account to communicate with licensees. It was the consensus of the Board to have Director Manns explore the pros and cons for the Board to use this type of social media to communicate with licensees and bring this information to the June Board meeting.

**Special Orders:**

**Review and Approval of Policy: Process For The Evaluation Of The Executive Director:**

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY PAUL R. KING THAT THE BOARD APPROVE THE POLICY "PROCESS FOR THE EVALUATION OF THE EXECUTIVE DIRECTOR" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Review and Approval of Policy: Guidelines on State Employee Participation in Political Activity:**

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD APPROVE THE POLICY "GUIDELINES ON STATE EMPLOYEE PARTICIPATION IN POLITICAL ACTIVITY" AS WRITTEN.

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY TIMOTHY FRIES, O.D. TO WITHDRAW AND TABLE THE MOTION UNTIL THE JUNE, 2011 BOARD MEETING THAT THE BOARD APPROVE THE POLICY "GUIDELINES ON STATE EMPLOYEE PARTICIPATION IN POLITICAL ACTIVITY" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Review and Approval of Policy: Public Records Policy:**

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY THOMAS BARRACATO THAT THE BOARD APPROVE THE POLICY "PUBLIC RECORDS POLICY" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Review and Approval of Policy: Rule Making Process:**

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY PAUL R. KING THAT THE BOARD APPROVE THE POLICY "RULE MAKING PROCESS" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Review and Approval of Policy: Hiring:**

After discussion,

IT WAS MOVED BY PAUL R. KING AND SECONDED BY THOMAS BARRACATO THAT THE BOARD APPROVE THE POLICY "HIRING" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Review and Approval of Policy: Travel/Reimbursement Policy:**

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD APPROVE THE POLICY "TRAVEL/REIMBURSEMENT POLICY" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Approval of Financial Report**

After discussion,

IT WAS MOVED BY JAMES FORTUNE, SR. AND SECONDED BY BRIAN J MILLER THAT THE FINANCIAL REPORT FOR CURRENT FY 2011 BE ACCEPTED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Continuing Education**

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

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY PAUL R. KING 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. BRIAN J MILLER ABSTAINED FROM VOTING ON THE APPLICATION PRESENTED BY VISION ASSOCIATES.

**Tennessee Dispensing Opticians Association – Gatlinburg, TN – June 25-26, 2011:**

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

**Vision Associates – Toledo, OH – May 10, 2011:**

- 1 Management Hour

**The Board Recommended that the above course be re-submitted for Spectacle and Contact Lens**

**Rooney Optical – Cleveland, OH – May 11, 2011:**

- 1 Management Hour

**Contact Lens Society of America – Austin, TX – April 6-9, 2011:**

- 2 Contact Lens Hours
- 4 Management Hours

**ABO/NCLE Convention – Cincinnati, OH – September 8-11, 2011:**

- 2 Spectacle Hours
- 2 Contact Lens Hours
- 6 Spectacle/Contact Lens Hours

**ABO/NCLE Convention – Cincinnati, OH – September 8-11, 2011 –Hours previously approved:**

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

**Soderberg Ophthalmic Services – Minneapolis, MN – May 25, 2011:**

- 1 Spectacle Hour

**Discipline:**

After review of the Consent Agreement for Case #1112012 by Board members, IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY PAUL R. KING THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #1112012. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

After review of the Consent Agreement for Case #1102023 by Board members, IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #1102023. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

After review of the Consent Agreement for Case #1102025 by Board members, IT WAS MOVED BY PAUL R. KING AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #1102025. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

After review of the Consent Agreement for Case #1102026 by Board members, IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY THOMAS BARRACATO THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #1102026. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

After review of the Consent Agreement for Case #1102027 by Board members, IT WAS MOVED BY PAUL R. KING AND SECONDED BY BRIAN J MILLER THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #1102027. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

After review of the Consent Agreement for Case #1102028 by Board members, IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #1102028.

MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

After review of the Consent Agreement for Case #1102029 by Board members, IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #1102029. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

After review of the Consent Agreement for Case #1103030 by Board members, IT WAS MOVED BY PAUL R. KING AND SECONDED BY BRIAN J MILLER THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #1103030. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

After review of the Consent Agreement for Case #1102024 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 #1102024. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

After review of the Consent Agreement for Case #1103031 by Board members, IT WAS MOVED BY PAUL R. KING AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #1103031. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

After review of the Consent Agreement for Case #1103032 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 #1103032. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

**Approval of Licenses:**

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

**Investigator's Report:**

Investigator Lehman discussed the new format of the investigator's report with the Board. The new report was designed to give the Board members information in a format to help determine the length of time that cases have been open and the length of time to close cases.

**New Business:**

**Election of 2010 Officers:**

After discussion,

Election ballots with nominations submitted by Board members were distributed to each Board member. After a count of the votes, President Bender announced to the Board that Thomas Barracato was elected President of the Board; Paul R. King was elected Vice President of the Board; and, Brian J Miller was elected Treasurer of the Board for the period of April 22, 2011-March 31, 2012.

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY JAMES FORTUNE THAT THE BOARD ACCEPT THE SLATE OF OFFICERS AS ELECTED FOR THE APRIL 2011 TO APRIL 2012 PERIOD. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

President Bender advised the Board that once again consolidation of some Boards has come up in discussions; that the consolidation of the Barber Board and Cosmetology Board has been introduced as an amendment to the FY '12-'13 Budget Bill . President Bender also informed the Board that there was discussion of combining the Optical Dispensers Board and the Optometry Board. Ms. Bender went on to say, however, that that will not happen at this time.

Hearing no other issues for discussion, President Bender adjourned the meeting at 10:50 A.M., April 21, 2011.

**ATTESTED:**

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**PRESIDENT, SUSAN BENDER**

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**EXECUTIVE DIRECTOR, NANCY MANN**

**Future Board Meeting Dates:**

June 16, 2011

August 18, 2011

October 20, 2011

December 8, 2011

## ADDENDUM 1.0

### ODB - Pending Applicants - Spectacle

#### Report Parameters

Board = ODB  
Credential prefix = S

Report generated on 4/19/2011 at 3:56:33 PM

name	address1	address2	city	statecode	zipcode
Christene A. Baker	2837 Thackery Avenue NW		Massillon	OH	44646
Stephanie Fishel	4096 Blendon Point Drive		Columbus	OH	43230
Jaclyn Gaynor	103 Mariners Circle Suite E		Sheffield Lake	OH	44054
Shaun A. Gelder	704 N Hawkins Avenue		Akron	OH	44313
Amanda Lynn Gineman	1630 S Berkey Southern Road		Swanton	OH	43558
Carol L. Kirk	10665 State Route 37 East		New Lexington	OH	43764
Lynne Ruth R. Monte	305-695 Coxwell Avenue		Toronto	ON	M4C5R6
Andrea E. Rauzan	3776 Indian Run Apt 5		Canfield	OH	44406
Lydia D. Rencsok	3965 North State Route 48		Lebanon	OH	45036
Sally R. Schmitt	889 Robinson Avenue		Barberton	OH	44203
Joel A. Shireman	226 Bexhill Drive		Blacklick	OH	43004

### ODB - Pending Applicants - Spectacle

#### Report Parameters

Board = ODB  
Credential prefix = S

Report generated on 4/19/2011 at 3:56:33 PM

name	address1	address2	city	statecode	zipcode
Bernard P. Desilio	1673 Lincoln Avenue		Lakewood	OH	44107
McClain Michael Murphy	2327 Shrewsbury Road		Columbus	OH	43221

### ODB - Pending Applicants - Combination

#### Report Parameters

Board = ODB  
Credential prefix = SC

Report generated on 4/14/2011 at 1:12:29 PM

name	address1	address2	city	statecode	zipcode
Nasrin Cook	1429 Redmaple Drive		Painesville	OH	44077
Diane D. Ellenberger	2303 Mallard Drive		Akron	OH	44319
Michelle L. Hendricks	10555 Montgomery Road Apt 62		Cincinnati	OH	45242
Tiffinie M. Wheeler	316 Briargate Drive		Lebanon	OH	45036

## ODB - Pending Applicants - Reciprocity - Spectacle

### Report Parameters

Board = ODB  
Credential prefix = S

Report generated on 4/14/2011 at 11:23:22 AM

name	address1	address2	city	statecode	zipcode
Timothy Berry	1817 Belmont Street		North Las Vegas	NV	89030
Robert Arthur Bush	3548 Eastern Drive		Beavercreek	OH	45432

## ODB - Pending Applicants - Reciprocity-Combination

### Report Parameters

Board = ODB  
Credential prefix = SC

Report generated on 4/14/2011 at 11:27:33 AM

name	address1	address2	city	statecode	zipcode
Mary Kathleen Froelicher	36 Barnwood Court		Florence	KY	41042

**CONSENT AGREEMENT  
BETWEEN  
MICHAEL GARCIA  
AND  
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **MICHAEL GARCIA**, Opticians, License No. 495-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.

**MICHAEL GARCIA** 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 4726-3-06(B). **MICHAEL GARCIA** employed an unlicensed individual as a dispensing optician; allowed the individual to hold themselves out as a licensed dispensing optician; and, allowed the individual to engage in the practice of dispensing optical aids at Vision Care Associates, 6046 Whipple Ave., NW, Canton, OH for the period of on or about January 1, 2010 through on or about December 27, 2010.

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. **MICHAEL GARCIA** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 495-SC.
5. **MICHAEL GARCIA** 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, **MICHAEL GARCIA** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

- A. **MICHAEL GARCIA** 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, 16<sup>th</sup> Floor, Columbus, Ohio 43215-6108 not later than 30 days from the ratification by the Board of this consent agreement.
- B. **MICHAEL GARCIA** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in his licensure file.
- C. **MICHAEL GARCIA** 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 **MICHAEL GARCIA** as long as he 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, **MR. GARCIA** 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**

**MICHAEL GARCIA** 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. **MR. GARCIA** 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 this review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

**MR. GARCIA** acknowledges that he 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.

**MR. GARCIA** waives all of his 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**

\_\_\_\_\_  
**MICHAEL GARCIA**

\_\_\_\_\_  
**SUSAN E. BENDER**  
**President**  
**Supervising Disciplinary Member**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**DATE**

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

\_\_\_\_\_  
**DATE**

**CONSENT AGREEMENT  
BETWEEN  
SHERRY ALOIA  
AND  
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **SHERRY ALOIA**, Opticians, License No. 6075-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.

**SHERRY ALOIA** 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). **SHERRY ALOIA** failed to obtain her continuing education credits within the immediately preceding one-year period, namely January 1, 2010 to December 31, 2010, for renewal of her optical license for the 2011 renewal period. Continuing education certificates received as part of the renewal for the 2011 licensure period and reviewed by the Board showed that these credits were obtained on February 9, 2011.

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. **SHERRY ALOIA** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 6075-S.

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

A. **SHERRY ALOIA** shall obtain four (4) additional Spectacle Board approved continuing education hours that will be applied toward her 2012 license renewal. The four (4) additional Spectacle hours cannot be the same as those obtained for her 2011 renewal. The four (4) additional Spectacle hours must be received by the Board at the Ohio Optical Dispensers Board, 77 South High Street, 16<sup>th</sup> Floor, Columbus, Ohio 43215-6108 not later than May 21, 2011.

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

C. **SHERRY ALOIA** 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 **SHERRY ALOIA** 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. ALOIA** 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**

**SHERRY ALOIA** 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. ALOIA** 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 this review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

**MS. ALOIA** 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. ALOIA** 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**

\_\_\_\_\_  
**SHERRY ALOIA**

\_\_\_\_\_  
**SUSAN E. BENDER**  
**President**  
**Supervising Disciplinary Member**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**DATE**

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

\_\_\_\_\_  
**DATE**

**CONSENT AGREEMENT  
BETWEEN  
DEBBIE LEDDINGHAM  
AND  
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **DEBBIE LEDDINGHAM**, Opticians, License No. 4083-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.

**DEBBIE LEDDINGHAM** 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). **DEBBIE LEDDINGHAM** failed to obtain her continuing education credits within the immediately preceding one-year period, namely January 1, 2010 to December 31, 2010, for renewal of her optical license for the 2011 renewal period. Continuing education certificates received as part of the renewal for the 2011 licensure period and reviewed by the Board showed that these credits were obtained on February 8 and 11, 2011.

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. **DEBBIE LEDDINGHAM** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 4083-S.

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

A. **DEBBIE LEDDINGHAM** shall obtain four (4) additional Spectacle Board approved continuing education hours that will be applied toward her 2012 license renewal. The four (4) additional Spectacle hours cannot be the same as those obtained for her 2011 renewal. The four (4) additional Spectacle hours must be received by the Board at the Ohio Optical Dispensers Board, 77 South High Street, 16<sup>th</sup> Floor, Columbus, Ohio 43215-6108 not later than May 21, 2011.

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

C. **DEBBIE LEDDINGHAM** 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 **DEBBIE LEDDINGHAM** 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. LEDDINGHAM** 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**

**DEBBIE LEDDINGHAM** 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. LEDDINGHAM** 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 this review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

**MS. LEDDINGHAM** 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. LEDDINGHAM** 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**

\_\_\_\_\_  
**DEBBIE LEDDINGHAM**

\_\_\_\_\_  
**SUSAN E. BENDER**  
**President**  
**Supervising Disciplinary Member**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**DATE**

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

\_\_\_\_\_  
**DATE**

**CONSENT AGREEMENT  
BETWEEN  
MCCLAIN MURPHY  
AND  
THE OHIO OPTICAL DISPENSERS BOARD**

This **CONSENT AGREEMENT** is entered into by and between **MCCLAIN MURPHY**, 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.

**MCCLAIN MURPHY** enters into this **CONSENT AGREEMENT** being fully informed of his rights under Chapter 119. of the Ohio Revised Code (“ORC”), including the right to representation by counsel and the right to a formal adjudication hearing on the issues considered herein.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

**BASIS FOR ACTION**

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

- A. 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 enumerated violations.
- B. The **BOARD** enters into this **CONSENT AGREEMENT** in lieu of formal proceedings based upon the violation of Section 4725.53(A)(1) of the Ohio Revised Code. **MR. MURPHY** admits he was arrested for possession of Drug Paraphernalia on December 12, 2006 and charged with Illegal Use of Drug Paraphernalia on January 2, 2007. **MR. MURPHY’S** drivers license was suspended for 6 months and he successfully completed one (1) year probation on December 12, 2007.

**McClain Murphy**  
**Consent Agreement**  
**Page 2**

- C. 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**.
- D **MR. MURPHY** admits to 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, **MR. MURPHY** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

**EMPLOYMENT CONDITIONS**

1. **MR. MURPHY** agrees that during his first year of licensure as a Dispensing Optician he shall be on probation for that period from the date he is issued his license and is employed as a licensed optician.
2. Prior to accepting employment as a Dispensing Optician, each time with every employer, **MR. MURPHY** during the probation period shall notify the Board .
3. **MR. MURPHY** shall have his employer(s), submit written reports regarding his job performance on a monthly basis determined by the Board. **MR. MURPHY** shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Consent Agreement, including the date it was received.
4. **MR. MURPHY** shall report to the Board, in writing, any violation of this Consent Agreement within thirty days of the occurrence of the violation.

5. **MR. MURPHY** shall verify that the reports and documentation required by this Consent agreement are received in the Board office.

#### **FAILURE TO COMPLY**

If, in the discretion of the Board or its Designate, **MR. MURPHY** 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 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.

#### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

**MR. MURPHY** 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. **MR. MURPHY** 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.

**McClain Murphy  
Consent Agreement  
Page 4**

**MR. MURPHY** acknowledges that he 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.

**MR. MURPHY** waives all of his rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

**MR. MURPHY** waives any and all claims or causes of action he may have against the Board, and its members, officers, employees and/or agents arising out of 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, ORC. The information contained herein may be reported to appropriate organizations, data banks and governmental bodies.

This Consent Agreement is not an adjudication order within the meaning of Section 119.01(D), ORC. Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedures Act, Chapter 119,

**MR. MURPHY** understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President Supervising Member, and shall become effective upon the last date of signature below.

**THE OHIO OPTICAL DISPENSERS  
BOARD**

\_\_\_\_\_  
**MCCLAIN MURPHY**

\_\_\_\_\_  
**SUSAN E. BENDER**  
**President**  
**Supervising Disciplinary Member**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**LEAH O'CARROLL, Esq.**  
Assistant Attorney General  
Attorney for Ohio Optical Dispensers Board

\_\_\_\_\_  
**DATE**

**CONSENT AGREEMENT  
BETWEEN  
BERNARD DESILIO  
AND  
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **BERNARD DESILIO**, 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.

**BERNARD DESILIO** enters into this CONSENT AGREEMENT being fully informed of his rights under Chapter 119. of the Ohio Revised Code (“ORC”), including the right to representation by counsel and the right to a formal adjudication hearing on the issues considered herein.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

**BASIS FOR ACTION**

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

- C. 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 enumerated violations.
- D. The **BOARD** enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4725.53(A)(1) of the Ohio Revised Code. **MR. DESILIO** admits that from 1999 to 2005 he had various criminal convictions including DUI, Burglary, Vehicle Theft and Resisting an Officer. Resulting in **MR. DESILIO** serving (six) 6 months incarceration in the county jail and 5 years of supervised probation, which was completed in September 2009.

- C. 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**.
- D **MR. DESILIO** admits to 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, **MR. DESILIO** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

#### **EMPLOYMENT CONDITIONS**

- 6. **MR. DESILIO** agrees that during his first two (2) years of licensure as a Dispensing Optician he shall be on probation for that period from the date he is issued his license and is employed as a licensed optician.
- 7. Prior to accepting employment as a Dispensing Optician, each time with every employer, **MR. DESILIO** during the probation period shall notify the Board .
- 8. **MR. DESILIO** shall have his employer(s), submit written reports regarding his job performance on a monthly basis determined by the Board for the first year and quarterly reports for the second year **MR. DESILIO** shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Consent Agreement, including the date it was received.
- 9. **MR. DESILIO** shall report to the Board, in writing, any violation of this Consent Agreement within thirty days of the occurrence of the violation.

10. **MR. DESILIO** shall verify that the reports and documentation required by this Consent agreement are received in the Board office.

#### **FAILURE TO COMPLY**

If, in the discretion of the Board or its Designate, **MR. DESILIO** 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 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**

**BERNARD DESILIO** may seek a modification of the terms, conditions and limitations in this Consent Agreement on or after October 21, 2012. Any application for modification made prior to October 21, 2012 shall not be considered by the Board. The above described probationary terms, conditions and limitations may be amended or terminated in writing upon the agreement of both parties.

#### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

**MR. DESILIO** 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. **MR. DESILIO** 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.

**Bernard Desilio**  
**Consent Agreement**  
**Page 4**

**MR. DESILIO** acknowledges that he 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.

**MR. DESILIO** waives all of his rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

**MR. DESILIO** waives any and all claims or causes of action he may have against the Board, and its members, officers, employees and/or agents arising out of 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, ORC. The information contained herein may be reported to appropriate organizations, data banks and governmental bodies.

This Consent Agreement is not an adjudication order within the meaning of Section 119.01(D), ORC. Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedures Act, Chapter 119,

**MR. DESILIO** understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President Supervising Member, and shall become effective upon the last date of signature below.

**THE OHIO OPTICAL DISPENSERS  
BOARD**

\_\_\_\_\_  
**BERNARD DESILIO**

\_\_\_\_\_  
**SUSAN E. BENDER**  
**President**  
**Supervising Disciplinary Member**

\_\_\_\_\_  
**DATE**

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**DATE**

\_\_\_\_\_  
**LEAH O’CARROLL, Esq.**  
Assistant Attorney General  
Attorney for Ohio Optical Dispensers Board

\_\_\_\_\_  
**DATE**

**CONSENT AGREEMENT  
BETWEEN  
ANITA MALDONADO  
AND  
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **ANITA MALDONADO**, Opticians, License No. 5156-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.

**ANITA MALDONADO** 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). **ANITA MALDONADO** failed to obtain her continuing education credits within the immediately preceding one-year period, namely January 1, 2010 to December 31, 2010, for renewal of her optical license for the 2011 renewal period. Continuing education certificates received as part of the renewal for the 2011 licensure period and reviewed by the Board showed that these credits were obtained on February 9, 2011.

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. **ANITA MALDONADO** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 5156-S.

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

A. **ANITA MALDONADO** shall obtain four (4) additional Spectacle Board approved continuing education hours that will be applied toward her 2012 license renewal. The four (4) additional Spectacle hours cannot be the same as those obtained for her 2011 renewal. The four (4) additional Spectacle hours must be received by the Board at the Ohio Optical Dispensers Board, 77 South High Street, 16<sup>th</sup> Floor, Columbus, Ohio 43215-6108 not later than May 21, 2011.

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

C. **ANITA MALDONADO** 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 **ANITA MALDONADO** 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. MALDONADO** 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**

**ANITA MALDONADO** 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. MALDONADO** 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 this review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

**MS. MALDONADO** 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. MALDONADO** 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**

\_\_\_\_\_  
**ANITA MALDONADO**

\_\_\_\_\_  
**SUSAN E. BENDER**  
**President**  
**Supervising Disciplinary Member**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**DATE**

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

\_\_\_\_\_  
**DATE**

**CONSENT AGREEMENT  
BETWEEN  
JULIEANNE SZYMCZAK  
AND  
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **JULIEANNE SZYMCZAK**, Opticians, License No. 5910-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.

**JULIEANNE SZYMCZAK** 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). **JULIEANNE SZYMCZAK** failed to obtain her continuing education credits within the immediately preceding one-year period, namely January 1, 2010 to December 31, 2010, for renewal of her optical license for the 2011 renewal period. Continuing education certificates received as part of the renewal for the 2011 licensure period and reviewed by the Board showed that these credits were obtained on January 24, 2011.

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. **JULIEANNE SZYMCZAK** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 5910-S.
5. **JULIEANNE SZYMCZAK** 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, **JULIEANNE SZYMCZAK** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

- A. **JULIEANNE SZYMCZAK** shall obtain four (4) additional Spectacle Board approved continuing education hours, that will be applied toward her 2012 license renewal. The four (4) additional Spectacle hours cannot be the same as those obtained for her 2011 renewal. The four (4) additional Spectacle hours must be received by the Board at the Ohio Optical Dispensers Board, 77 South High Street, 16<sup>th</sup> Floor, Columbus, Ohio 43215-6108 not later than May 21, 2011.
- B. **JULIEANNE SZYMCZAK** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.
- C. **JULIEANNE SZYMCZAK** 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 **JULIEANNE SZYMCZAK** 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. SZYMCZAK** 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**

**JULIEANNE SZYMCZAK** 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. SZYMCZAK** 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 this review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

**MS. SZYMCZAK** 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. SZYMCZAK** 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**

\_\_\_\_\_  
**JULIEANNE SZYMCZAK**

\_\_\_\_\_  
**SUSAN E. BENDER**  
President  
Supervising Disciplinary Member

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**DATE**

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

\_\_\_\_\_  
**DATE**

**CONSENT AGREEMENT  
BETWEEN  
ALISSA FAIRCHILD  
AND  
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **ALISSA FAIRCHILD**, Opticians, License No. 5937-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.

**ALISSA FAIRCHILD** 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). **ALISSA FAIRCHILD** failed to obtain her continuing education credits within the immediately preceding one-year period, namely January 1, 2010 to December 31, 2010, for renewal of her optical license for the 2011 renewal period. Continuing education certificates received as part of the renewal for the 2011 licensure period and reviewed by the Board showed that these credits were obtained on January 24, 2011.

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. **ALISSA FAIRCHILD** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 5937-S.

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

A. **ALISSA FAIRCHILD** shall obtain four (4) additional Spectacle Board approved continuing education hours, that will be applied toward her 2012 license renewal. The four (4) additional Spectacle hours cannot be the same as those obtained for her 2011 renewal. The four (4) additional Spectacle hours must be received by the Board at the Ohio Optical Dispensers Board, 77 South High Street, 16<sup>th</sup> Floor, Columbus, Ohio 43215-6108 not later than May 21, 2011.

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

C. **ALISSA FAIRCHILD** 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 **ALISSA FAIRCHILD** 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. FAIRCHILD** 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**

**ALISSA FAIRCHILD** 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. FAIRCHILD** 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 this review and discussion of this **CONSENT AGREEMENT** or of any information relating thereto.

**MS. FAIRCHILD** 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. FAIRCHILD** 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**

\_\_\_\_\_  
**ALISSA FAIRCHILD**

\_\_\_\_\_  
**SUSAN E. BENDER**  
**President**  
**Supervising Disciplinary Member**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**DATE**

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

\_\_\_\_\_  
**DATE**

**CONSENT AGREEMENT  
BETWEEN  
RACHEL CIBORO  
AND  
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **RACHEL CIBORO**, Opticians, License No. 10227-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.

**RACHEL CIBORO** 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). **RACHEL CIBORO** failed to obtain her continuing education credits within the immediately preceding one-year period, namely January 1, 2010 to December 31, 2010, for renewal of her optical license for the 2011 renewal period. Continuing education certificates received as part of the renewal for the 2011 licensure period and reviewed by the Board showed that these credits were obtained on March 30, 2011.

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. **RACHEL CIBORO** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 10227-S

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

A. **RACHEL CIBORO** shall obtain four (4) additional Spectacle Board approved continuing education hours, that will be applied toward her 2012 license renewal. The four (4) additional Spectacle hours cannot be the same as those obtained for her 2011 renewal. The four (4) additional Spectacle hours must be received by the Board at the Ohio Optical Dispensers Board, 77 South High Street, 16<sup>th</sup> Floor, Columbus, Ohio 43215-6108 not later than May 21, 2011.

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

C. **RACHEL CIBORO** 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 **RACHEL CIBORO** 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. CIBORO** 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**

**RACHEL CIBORO** 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. CIBORO** 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 this review and discussion of this **CONSENT AGREEMENT** or of any information relating thereto.

**MS. CIBORO** 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. CIBORO** 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**

\_\_\_\_\_  
**RACHEL CIBORO**

\_\_\_\_\_  
**SUSAN E. BENDER**  
**President**  
**Supervising Disciplinary Member**

\_\_\_\_\_  
**DATE**

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**DATE**

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

\_\_\_\_\_  
**DATE**

**CONSENT AGREEMENT  
BETWEEN  
ANDREA STOUT  
AND  
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **ANDREA STOUT**, Opticians, License No. 6045-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.

**ANDREA STOUT** 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). **ANDREA STOUT** failed to obtain her continuing education credits within the immediately preceding one-year period, namely January 1, 2010 to December 31, 2010, for renewal of her optical license for the 2011 renewal period. Continuing education certificates received as part of the renewal for the 2011 licensure period and reviewed by the Board showed that these credits were obtained on February 9, 2011.

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. **ANDREA STOUT** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 6045-S.

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

A. **ANDREA STOUT** shall obtain four (4) additional Spectacle Board approved continuing education hours, that will be applied toward her 2012 license renewal. The four (4) additional Spectacle hours cannot be the same as those obtained for her 2011 renewal. The four (4) additional Spectacle hours must be received by the Board at the Ohio Optical Dispensers Board, 77 South High Street, 16<sup>th</sup> Floor, Columbus, Ohio 43215-6108 not later than May 21, 2011.

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

C. **ANDREA STOUT** 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 **ANDREA STOUT** 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. STOUT** 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**

**ANDREA STOUT** 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. STOUT** 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 this review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

**MS. STOUT** 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. STOUT** 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**

\_\_\_\_\_  
**ANDREA STOUT**

\_\_\_\_\_  
**SUSAN E. BENDER**  
**President**  
**Supervising Disciplinary Member**

\_\_\_\_\_  
**DATE**

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**DATE**

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

\_\_\_\_\_  
**DATE**

**CONSENT AGREEMENT  
BETWEEN  
JOHN TOLOMEO  
AND  
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **JOHN TOLOMEO**, Opticians, License No. 10574-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.

**JOHN TOLOMEO** 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 4725.51 of the Ohio Revised Code and Ohio Administrative Code 4726-11-01(A). **JOHN TOLOMEO** failed to obtain his continuing education credits within the immediately preceding one-year period, namely January 1, 2010 to December 31, 2010, for renewal of his optical license for the 2011 renewal period. Continuing education certificates received as part of the renewal for the 2011 licensure period and reviewed by the Board showed that these credits were obtained on March 31, 2011.

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. **JOHN TOLOMEO** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 10574-S.

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

A. **JOHN TOLOMEO** shall obtain four (4) additional Spectacle Board approved continuing education hours, that will be applied toward his 2012 license renewal. The four (4) additional Spectacle hours cannot be the same as those obtained for his 2011 renewal. The four (4) additional Spectacle hours must be received by the Board at the Ohio Optical Dispensers Board, 77 South High Street, 16<sup>th</sup> Floor, Columbus, Ohio 43215-6108 not later than May 21, 2011.

B. **JOHN TOLOMEO** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in his licensure file.

C. **JOHN TOLOMEO** 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 **JOHN TOLOMEO** as long as he 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, **MR. TOLOMEO** 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**

**JOHN TOLOMEO** 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. **MR. TOLOMEO** 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 this review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

**MR. TOLOMEO** acknowledges that he 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.

**MR. TOLOMEO** waives all of his 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**

\_\_\_\_\_  
**JOHN TOLOMEO**

\_\_\_\_\_  
**SUSAN E. BENDER**  
President  
Supervising Disciplinary Member

\_\_\_\_\_  
**DATE**

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**DATE**

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

\_\_\_\_\_  
**DATE**