

Board of Registration of Dispensing Opticians  
1000 Washington St. Room 1C  
Date: October 2, 2019 Time: 10:00 a.m.

Public Meeting Minutes

**Board Members Present:**

Gary Peters  
David Fogg  
Deanna Kurlowecz  
Marty Bregman

**Staff Present:**

James O'Connor, Board Counsel  
Michael Hawley, Executive Director  
Thomas F. Burke, Associate Exec. Director

**Members of the Public Present:**

Blair Wong  
James Russo  
Mildred Deleon  
Raquel Vieira  
Jessie Ellis  
Heather J. Hirtle  
Ashlie Perkins

**10:06AM: Meeting called To Order:**

- Mr. Peters called the meeting to order at 10:10 a.m.
- Mr. Burke reviewed exit procedures in the case of an emergency.

**Board Business:**

- **2020 Meeting Calendar**

The Board reviewed and approved the 2020 calendar to hold monthly Board meetings, as prescribed, on the first Tuesday of the month in Room 1C. Mr. Bregman noted that he will be out of town the months of February through April 2020.

- **Board Elections**

After brief discussion, Mr. Fogg moved to re-nominate Mr. Peters to serve as Board chair and Ms. Kurlowecz as Board secretary. Ms. Kurlowecz seconded. The motion passed unanimously.

- **Vote on Delegation of Authority**

Mr. O'Connor reviewed a draft proposal to permit Board staff delegated authority to address Board matters. During the review, the Board considered the following:

1. The Board's Executive Director, Associate Executive Director, or the Division of Professional Licensure's Deputy Commissioner are hereby authorized to act on behalf of the Board and sign all Orders to Show Cause Notices, Consent Agreements, and Final Decisions that are consistent with the terms established by the Board. In addition, in all such cases previously described, the Executive Director, Associate Executive Director, and the Division of Professional Licensure's Deputy Director shall be authorized to close complaint files on behalf of the Board.

2. The Board's Executive Director, Associate Executive Director, or the Division of Professional Licensure's Deputy Commissioner are hereby authorized to issue a written order of summary suspension pending a 10-day hearing pursuant to G.L. c. 112 § 65B, after determining, based on sworn affidavits and documentary evidence, that licensee's continued practice poses an immediate and serious threat to public health, safety, or welfare.
3. Division of Professional Licensure Hearing Officers are authorized to conduct hearings on behalf of the Board and to serve as the Board's Hearing Officer and presiding Officer in all adjudicatory proceedings conducted pursuant to 801 CMR for all cases where the Board voted to issue an Order to Show Cause, Summary Suspension, Denial of Licensure or other adjudicatory matters where an Order to Show Cause will be issued. Board members may or may not be present during such hearings, and the presence of a Board member or members shall be determined on a case-by-case basis.
4. The Executive Director and Associate Executive Director for the Board shall be authorized to review the criminal offender record information (CORI) in accordance with the Board's CORI POLICY, which the Board adopted on September 28, 2010.
5. The Board hereby delegates the authority to execute Default Final Decisions on behalf of the Board and to revoke current licenses and to revoke the right to renew licenses that are lapsed or expired to its Executive Director or to its Associate Executive Director or to the Deputy Director of Policy and Boards at the Division of Professional Licensure
6. The Board hereby delegates the authority to execute Default Final Decisions for unlicensed practice on behalf of the Board and to impose the maximum penalty pursuant to M.G.L. c. 112, §65A to its Executive Director or to its Associate Executive Director or to the Deputy Commissioner of Policy and Boards at the Division of Professional Licensure.

**After discussion, Mr. Fogg moved to accept the delegation of authority, seconded by Mr. Bregman. The motion passed unanimously.**

- **Report from Executive Director, Michael Hawley**  
Mr. Hawley reported that Board staff has created a Board specific email address for the Board of Registration of Dispensing Opticians in order to track Board correspondences and staff responses. He noted that starting in December of this year the Board will shift to paperless renewal applications. Instructions for online renewal registration will be mailed to all licensees.

#### **Apprentice Reinstatement Requests:**

- **Raquel Vieira**  
Ms. Vieira was granted a three-month apprentice extension in March 2017. Since that time, she has been working as a frame stylist and taking the NCLE exam. Mr. Jessie Ellis, the current supervisor of Ms. Vieira, acknowledged Ms. Vieira's employment and exam

preparation. In August 2018, Ms. Vieira passed the NCLE exam and was directed by the Division of Apprentice Standards (“DAS”) to seek Board approval to complete her dispensing optician apprenticeship.

**Mr. Fogg moved to approve Mr. Vieira to receive her apprenticeship certificate on the condition that she has completed the required minimum hours of training. Ms. Kurlowecz seconded. The motion passed unanimously.**

- **Mildred Deleon**

Ms. Deleon appeared before the Board to request reinstatement of her dispensing optician apprenticeship that expired in 2012. She reported that she has taken the ABO and NCLE exams many times but has not achieved a passing score.

**After further review, Mr. Fogg moved to deny Ms. Deleon’s request for reinstatement but encouraged her to continue to study and take both the ABO and NCLE exams. Ms. Kurlowecz seconded. The motion passed unanimously.**

#### **Review Meeting Minutes:**

- Minutes of September 4, 2019 Meeting: **Mr. Fogg moved to accept the public minutes. Ms. Kurlowecz seconded. The motion passed unanimously.**

#### **Discussion:**

- **Reinstatement for Individuals whose licenses were revoked due to default**  
Ms. Heather Hirtle met with the Board to request that her license be reinstated due to a default revocation. Ms. Hirtle claimed she was unaware of the Board’s decision until recently. Board Counsel, Mr. O’Connor, directed Ms. Hirtle to submit continuing education certificates to Board staff for review. He stated that Ms. Hirtle’s request will be reviewed at the subsequent Board meeting. Further, the Board agreed that individuals whose licenses were revoked because of a default decision must submit a written petition to the Board for review on a case-by-case basis.
- **Blair Wong** from the Benjamin Franklin Technical Institute (“BFTI”) addressed the Board briefly regarding the following topics:
  - BFTI has accepted thirty incoming students into the opticianry program for the 2019-2020 academic year;
  - BFTI will be relocating its campus to 1011 Harrison Street in Roxbury, Massachusetts;
  - The Opticians Association of Massachusetts (“OAM”) will convene its fall meeting on November 2, 2019. Online registration will be available on October 4, 2019;
  - Mr. Wong inquired about assistance for a graduate of BFTI seeking a CEPA extension, Board counsel advised Mr. Wong to direct the graduate to submit a written request so that he may be invited to meet with the Board at the November 2019 meeting.

- **DO Consumer Fact Sheet** – The Board tabled discussion.
- **Review of DO Application Process**  
Based on the recent meeting with the Commissioner and Deputy Commissioner of the Division of Professional Licensure (“DPL”) and representatives of the Division of Apprentice Standards (“DAS”), the Board, after discussion, agreed to no longer review the ABO and NCLE exam certificates as part of the application process. The Board expressed, however, an interest in reviewing how DAS compiles apprentice training hours and requested that applicants submit the DAS form showing hours as part of their application. Board Counsel acknowledged that further changes to the application process may require a review of current regulations.

**Open session for topics not reasonably anticipated 48 hours in advance meeting:**

Mr. Marty Bregman departed the Board meeting at 12:16 p.m.

**Cases, Investigative Conference, Settlement Offers [Closed session pursuant to G.L. c. 112 §65C]:**

**At 12:18 p.m., Mr. Fogg moved to enter into Investigative Conference to consider a settlement offer in the following matter. [Closed Session pursuant to M.G.L. c. 112 §65C]. Ms. Kurlowecz seconded the motion. Motion passed unanimously.**

At the end of the investigative session, the open meeting resumed.

During the investigative conference, the Board voted to take the following action:

- DO-2018-000210-IT-ENF – Provided guidance to the prosecutor.

**Adjournment:**

**At 12:29 p.m., Mr. Fogg moved to adjourn the meeting. Ms. Kurlowecz seconded. Motion passed unanimously.**

Respectfully Submitted,




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Thomas F. Burke  
Associate Executive Director

**Documents used in the open meeting:**

- Agenda for DO Board Meeting of October 2, 2019
- Dispensing Optician Consumer Fact Sheet
- Minutes from previous meeting(s) where applicable