

Board of Registration of Dispensing Opticians  
1000 Washington St. Room 1C  
Date: November 7, 2018 Time: 10:00 a.m.

Public Meeting Minutes

**Board Members Present:**

Gary Peters  
Marty Bregman  
David Fogg  
Deanna Kurlowecz

**Staff Present:**

Michael Hawley, Exec. Director

**Members of the Public Present:**

James Russo  
Tamika Edwards  
Jaime Santangelo

**10:03AM: Meeting called To Order:**

- Meeting was called to order at 10:07 a.m. by Mr. Peters.
- Mr. Peters reviewed exit procedures in the case of an emergency.

**Review Meeting Minutes:**

- Minutes of September 5, 2018 Meeting: **Tabled.**

**Board Business:**

- 2019 Board meeting schedule. The board agreed on a schedule for next year. Meetings will be held on the following dates:

Wednesday, February 6, 2019

Wednesday, August 7, 2019

Wednesday, March 6, 2019

Wednesday, September 4, 2019

Wednesday, April 3, 2019

Wednesday, October 2, 2019

Wednesday, May 1, 2019

Wednesday, November 6, 2019

Wednesday, June 5, 2019

Wednesday, December 4, 2019

- Report from Executive Director, Michael Hawley
  - Mr. Hawley reported that, of 54 applicants who were invited to take the September practical exam, 40 passed, 8 failed and 6 did not take the exam. The Board requested statistics on which of these were first time test takers and which were repeat test takers. Mr. Hawley agreed to provide this information to the Board members.
  - Mr. Fogg suggested that board members review new applications and direct board staff regarding suitability for licensure. Mr. Hawley suggested that this

suggestion be made a topic for discussion at the next board meeting. The Board agreed and directed Mr. Hawley to place it on the agenda for the December meeting.

- Report from Board Counsel, James O'Connor
  - Attorney O'Connor was not present.

### **Apprentice Extension Request:**

- **Tamika Edwards** – Ms. Edwards appeared before the board to request an extension of her apprenticeship. Ms. Edwards was offered the opportunity to hold this discussion in executive session since the discussion might have involved confidential information. Ms. Edwards indicated that she wished to hold the discussion in open session. Ms. Edwards has passed the ABO but has not passed the NCLE. This is Ms. Edwards' first request for an apprenticeship extension. She was accompanied by her current sponsor who expressed confidence in Ms. Edwards and optimism regarding her ability to pass the NCLE. Ms. Edwards is currently registered to take the next NCLE in November.

**Mr. Fogg moved to grant Ms. Edwards a one year extension of her apprenticeship on the condition that she take the NCLE every time it is available. Ms. Kurlowecz seconded. Motion passed unanimously.**

- **Kimberly Gannon** – Ms. Gannon was not able to appear before the board at this meeting. However she did submit a written request for an extension of her apprenticeship. In consideration of the additional time that would Ms. Gannon would be without an apprenticeship, if she were to be required to attend the next board meeting, the Board agreed to review her written request. Ms. Gannon has passed the ABO but has not passed the NCLE. This is Ms. Gannon's first request for an apprenticeship extension.

**Mr. Fogg moved to grant Ms. Gannon a one year extension of her apprenticeship on the condition that she take the NCLE every time it is available. Ms. Kurlowecz seconded. Motion passed unanimously.**

### **Discussion:**

- **Unlicensed Issues** – A brief discussion occurred on the subject of unlicensed practice and the requirement that a licensed dispensing optician must be present in a shop. It was agreed that the discussion should occur with input from Board Counsel. The topic will be placed on the agenda for the December meeting.

**Wall Certificates:** The Board members signed forty (40) wall certificates.

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

A Board member received a document indicating that the Commonwealth of Virginia Auditor's Office had recommended that Virginia eliminate the licensure requirement for opticians. Board members discussed the possibility that a letter be written to the Commonwealth of Virginia

stressing the importance of licensure for the protection of the public. This issue will be a topic for discussion at the December meeting.

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

**At 11:12 a.m. Mr. Fogg moved to enter into Investigative Session to discuss a pending case [Closed Session pursuant to M.G.L. c. 112 §65C]. The motion was seconded by Ms. Kurlowecz. 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 2018-000408-it-enf - Dismiss

**Adjudicative Conference [Closed session pursuant to G.L. c. 30A §18, 5(d)]:**

**At 10:26 a.m. Mr. Fogg moved to enter into Adjudicative Conference to issue a final order in a disciplinary case. [Closed Session pursuant to M.G.L. c. 112 §65C]. The motion was seconded by Mr. Bregman. Motion passed unanimously.**

At the end of the adjudicative conference, the open meeting resumed.

During the adjudicative conference the board voted to take the following action:

- DO-2016-001106-IT-ENF – issued final order.

**11:23 a.m. Adjournment:**

**Mr. Bregman moved to adjourn the meeting. Ms. Kurlowecz seconded. Motion passed unanimously.**

Respectfully Submitted,



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Michael Hawley  
Executive Director

**Documents used in the open meeting:**

- Agenda for DO Board Meeting of November 7, 2018
- Apprenticeship extension request of Tamika Edwards
- Apprenticeship extension request of Kimberly Gannon
- Proposed 2019 meeting schedule
- Document indicating that VA auditor recommended discontinuing DO licensure