

1 **BEFORE THE**
2 **ARIZONA STATE BOARD OF DISPENSING OPTICIANS**

3 In the Matter of

4 **NATIONAL VISION INC. D/B/A**
5 **EYEGLOSS WORLD #8341,**

6 **Optical Establishment**
7 **License No. LOE-001396,**

8 **Respondent.**

Case No. 18-003 _____

**CONSENT AGREEMENT/
ORDER**

9 **RECITALS**

10 In the interest of a prompt and judicious settlement of this case, consistent with the
11 public interest, statutory requirements, and responsibilities of the Arizona State Board of
12 Dispensing Opticians ("Board"), and under A.R.S. §§ 32-1671, et seq., and 41-
13 1092.07(F)(5), Respondent National Vision Inc. d/b/a Eyeglass World #8341, holder of
14 Optical Establishment License number LOE-001396, issued by the Board
15 ("Respondent"), and the Board enter into the following Recitals, Findings of Fact,
16 Conclusions of Law and Order ("Consent Agreement") as the final disposition of this
17 matter.
18

19 1. Respondent has read and understands this Consent Agreement; has been provided
20 the opportunity to discuss this Consent Agreement with an attorney; and knowingly,
21 intelligently, and voluntarily enters into this Consent Agreement.

22 2. Respondent understands that it has a right to a public administrative hearing
23 concerning this matter, at which it could present evidence and cross-examine witnesses.
24 By entering into this Consent Agreement, Respondent knowingly and voluntarily
25 relinquishes all rights to such an administrative hearing, as well as all rights of rehearing,
26

1 review, reconsideration, appeal, judicial review or any other administrative and/or
2 judicial action, concerning the matters set forth herein. Respondent affirmatively agrees
3 that this Consent Agreement shall be irrevocable.

4 3. Respondent understands that this Consent Agreement or any part of the Agreement
5 may be considered in any future disciplinary action by the Board against Respondent.

6 4. Respondent understands that this Consent Agreement deals with Board Case No.
7 18-003. The investigation into this case against Respondent shall be concluded upon the
8 Board's adoption of this Consent Agreement.

9 5. All admissions made by Respondent in this Consent Agreement are made solely
10 for the final disposition of this matter, and any related administrative proceedings or civil
11 litigation involving the Board and Respondent. Any admissions made by Respondent in
12 this Consent Agreement are not intended for any other use, such as in the context of
13 another regulatory agency's proceedings, or civil or criminal proceedings, whether in the
14 State of Arizona or in any other state or federal court.

15 6. Respondent acknowledges and agrees that, upon signing this Consent Agreement
16 and returning this document to the Board's Executive Director, Respondent may not
17 revoke acceptance of the Consent Agreement or make any modifications to the document,
18 regardless of whether the Consent Agreement has been issued by the Board's Chairman.
19 Any modification to this original document is ineffective and void unless mutually
20 approved by the parties in writing.

21 7. Respondent understands that the foregoing Consent Agreement shall not become
22 effective unless and until adopted by the Board and signed by its Chairman.

23 8. Respondent understands and agrees that if the Board does not adopt this Consent
24 Agreement, it will not assert as a defense that the Board's consideration of this Consent
25 Agreement, it will not assert as a defense that the Board's consideration of this Consent
26

1 Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

2 9. Respondent understands that this Consent Agreement is a public record that may
3 be publicly disseminated by the Board.

4
5 **FINDINGS OF FACT**

6 10. The Board has jurisdiction over the practice of Dispensing Opticians and
7 Dispensing Optician Establishments pursuant to A.R.S. §§ 32-1671, *et seq.*

8 11. At no time relevant to the allegations of statutory violation underlying this
9 Consent Agreement was Respondent licensed by the Arizona State Board of Dispensing
10 Opticians.

11
12 12. On or about July 17, 2018, the Board received documentation from Respondent
13 related to an application for licensure.

14 13. Board staff contacted Respondent, and discovered that Respondent had been
15 providing services for which licensure was required since July 13, 2018.

16 14. Subsequently, on August 1, 2018, the Board voted to grant licensure to
17 Respondent.

18 **CONCLUSIONS OF LAW**

19 15. After notice and opportunity for hearing, “the board may impose a civil penalty of
20 not more than one thousand dollars against any... entity acting without a license issued
21 by the board...” A.R.S. § 32-1699(B).

22 16. The conduct and circumstances above constitute cause for a civil penalty pursuant
23 to A.R.S. § 32-1699(B)
24

25 **ORDER**

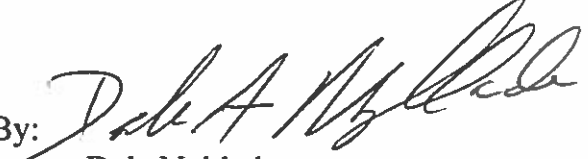
26 Based on the above Findings of Fact and Conclusions of Law, **IT IS ORDERED**

1 that:

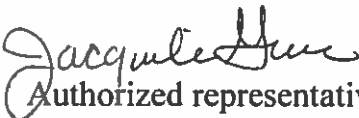
2 1. **PENALTY:** Respondent shall pay a civil penalty in the amount of two hundred
3 and fifty dollars (\$250.00). This entire amount shall be paid within thirty (30) days of the
4 effective date of this consent agreement, and shall be paid in the form of a cashier's
5 check or money order made payable to the Board.
6

7 DATED AND EFFECTIVE this 22nd day of AUGUST, 2018.
8

9 ARIZONA BOARD OF DISPENSING OPTICIANS

10
11 By: 
12 Dale Nyblade
13 Chairman
14 Licensed Optician
15

16 DATED this 9th day of August, 2018.
17

18 By: 
19 Authorized representative
20 National Vision Inc.
21 d/b/a Eyeglass World #8341
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