

**ARIZONA STATE BOARD OF DISPENSING OPTICIANS
REGULAR BOARD MEETING MINUTES**

October 2, 2019

The Arizona State Board of Dispensing Opticians and held a regular meeting at 1740 W. Adams Suite 3001, Phoenix, Arizona 85007. The Board meeting commenced at 10: 31 am.

BOARD MEMBERS PRESENT: D. Nyblade, Chairman, Licensed Optician
 S. Coleman, Vice-Chairman, Licensed Optician (Appeared Telephonically)
 S. Mayes, Secretary, Licensed Optician
 E. Pettit, Licensed Optician
 T. Brown, Licensed Optician
 D. Bright, Public Member (Appeared Telephonically)

BOARD MEMBERS ABSENT: M. Searle, Public Member

OTHERS PRESENT: Megan Darian, Executive Director
 Scott Donald, Assistant Attorney General
 Joel Wakefield, the Nelson Law Group
 Elizabeth Campbell, Assistant Attorney General

1. Call to Order and Roll Call

Chairman Nyblade called the meeting to order at 10:31 am. In addition, roll call was taken. Board members present at this time were, Chairman Nyblade, Vice-Chairman Coleman, Secretary Mayes and Board member Brown. Board member Bright joined the meeting at 10:35 and Board member Pettit Joined the meeting at 10:43.

2. Conflicts of Interest

None.

3. Review, Discussion and Approval of Minutes

Secretary Mayes moved to approve the minutes of September 4, 2019, regular board meeting. Board member Brown seconded the motion and it carried.

4. Agency Operations

- A. Executive Director Megan Darian reported on the Licensees Renewal of 2020, starting October 1, 2019 for 900 Active LDOs.

5. Possible Violations

- A. Clear Vision Express – No Licensed Optician – Oro Valley
Push to Formal Administrative Hearing at 11:00 a.m.
- B. Southwestern Eye Center – No Establishment License – Mesa-Main Street
C. Southwestern Eye Center – No Establishment License – Mesa-Gilbert Road
D. Southwestern Eye Center – No Establishment License – Prescott
Received the Consent Agreement
- E. Swagel Wooton – No Establishment License – Mesa
F. Swagel Wooton – No Establishment License – Chandler
Applying for new Establishment Licenses
- G. Barnet Dulaney Perkins – No Establishment License – No Licensed Optician –
Lakeside.
Tabled till November 6, 2019 meeting
- H. Compliant against Mario Rodgers - Liz Martinez R.
The Board found not having jurisdiction over an establishment's business practices.
Board member Brown moved to dismiss the complaint and Secretary Mayes
seconded and it carried.

7. General Discussion (Review, Discussion, and Possible Legal Action)

- A. Rule changes overview, including R4-20-120 – Continuing Education; Hours Required; Reporting:
Proposed Rulemaking has been registered on Arizona Administrative Register on September 13, 2019 Vol. 25, Issue 37. Oral proceeding on the proposed rulemaking is going to be on Tuesday Oct 22 at 10:00 a.m.

At this time the Board Moved back to item 5.

5. Possible Violation

Secretary Mayes made a motion to accept the Consent Agreement for:

1. Southwestern Eye Center – No Establishment License – Mesa-Main Street
 2. Southwestern Eye Center – No Establishment License – Mesa-Gilbert Road
 3. Southwestern Eye Center – No Establishment License – Prescott
- Board member Brown seconded and it carried.

Secretary Mayes made a motion to accept the applications for:

- E. Swagel Wooton – No Establishment License – Mesa
 - F. Swagel Wooton – No Establishment License – Chandler
- Which would be reviewed in section 8. Vice-Chairman Coleman seconded the motion and it carried.

7. General Discussion (Review, Discussion, and Possible Legal Action)

- B. R4-20-114 – Notice of Change of Status

Nationwide Vision Centers

Secretary Mayes recused herself from 7.B.

There is no change of direct ownership; therefore, no future action is required.

Board member Brown made a motion to accept the notice of change. Vice-Chairman Coleman seconded the motion and it carried.

- C. Contact lens selling overview

Smoker's Outpost – No Longer Selling Contact Lenses – Flagstaff

8. Applications for Licensure

A. Secretary Mayes made a motion to approve the applications for the License Opticians for the following. Board member Brown seconded the motion and it carried

1. Clarinda Yvette Wine
2. Cynthia Elaine Reidhead
3. Jennifer Leola Scott
4. Hazel Adene Cheri McManus

B. Secretary Mayes made a motion to approve the applications for the License Establishment for following. Board member Brown seconded the motion and it carried.

1. America's Best Contacts and Eye Glasses #5269 – Apache Junction
2. Clear Vision Express LLC – Oracle Rd. - Tucson
3. Swagel Wooton– Chandler
4. Swagel Wooton – Mesa
5. K&K Investment Inc. – Mesa
6. Southwestern Eye Center – Mesa - Main Street
7. Southwestern Eye Center – Mesa - Gilbert Road
8. Southwestern Eye Center – Prescott
9. Visionworks #1358 – Phoenix

The Board went to recess at 10:53 a.m.

The Board came back from the recess at 11:00 a.m.
Reviewing item 6.

6. Consideration of Cases Referred For Formal Hearing (Review, Discussion, and Possible Legal Action)

In the Matter of Clear Vision Express Tucson 2 LLC, 9630 N. Oracle Rd, Optical Establishment License No. LOE-001411, expired; and Clear Vision Express Tucson 2, LLC. Case No.:19-002

Board member Brown made a motion to update the Consent Agreement, previously offered to Clear Vision Express. Clear Vision Express has one week from October 2, meeting to return the signed Consent Agreement, otherwise this matter would proceed to a formal Hearing on November 6. Secretary Mayes seconded the motion and it carried.

9. Future Agenda Items

Clear Vision Express
Barnet Dulaney Perkins

10. Call to the Public

11. Meeting Adjourned

With no further business, the meeting adjourned 11:07 a.m.

Submitted by:

Megan Darian
Executive Director

Approved: *M. Darian*

Date: 11/6/19