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BEFORE THE
ARIZONA STATE BOARD OF DISPENSING OPTICIANS

In the Matter of

ANGELA SAUSER,
Dispensing Optician License No. 3008i,
Respondent.

Case No. 18-001

CONSENT AGREEMENT/ ORDER

RECITALS

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements, and responsibilities of the Arizona State Board of Dispensing Opticians ("Board"), and under A.R.S. §§ 32-1671, et seq., and 41-1092.07(F)(5), Respondent Angela Sauser, holder of license number 3008i, issued by the Board ("Respondent"), and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as the final disposition of this matter.
1. Respondent has read and understands this Consent Agreement, has been provided the opportunity to discuss this Consent Agreement with an attorney, and voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.

2. Respondent understands that she has a right to a public administrative hearing concerning this matter, at which she could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all rights to such an administrative hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

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

4. Respondent understands that this Consent Agreement deals with Board Case No. 18-001. The investigation into this case against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

8. Respondent understands and agrees that if the Board does not adopt this Consent Agreement, she will not assert as a defense that the Board’s consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

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

FINDINGS OF FACT

10. The Board has jurisdiction over the practice of Dispensing Opticians pursuant to A.R.S. §§32-1671, et seq.
11. At all times relevant to the allegations underlying this Consent Agreement, Respondent held Dispensing Optician License No. 3008i, granted by the Arizona State Board of Dispensing Opticians.

12. On or about January 3rd, 2018, the Board received a complaint that an employee of Target Optical Shop #1889 dispensed trial contact lenses to a customer without there being a contact lens prescription for the customer on file in the store.

13. The Board initiated an investigation and, on or about January 31, 2018, the investigator submitted a report to the Board concluding that there were grounds to support an allegation that Respondent dispensed the contact lenses without a contact lens prescription being on file in the store.

14. On or about February 7, 2018, the Board provided Respondent with a copy of the investigator’s report and requested a written response to the issues raised.

15. On or about February 20, 2018, Respondent provided a written response to the Board in which she admitted to dispensing the set of trial contact lenses without there being a contact lens prescription on file in the store.

CONCLUSIONS OF LAW

15. After notice and opportunity for hearing, the Board may suspend, revoke, or take other disciplinary action against a licensee for causes enumerated in A.R.S. §32-1696 and as further defined in A.A.C. R4-20-118.

17. The conduct and circumstances above constitute cause for disciplinary
action pursuant to A.R.S. §32-1696(A)(8) ("... engage in any conduct that would
tend to do harm to the visual health of the public.")

18. The conduct and circumstances above constitute cause for disciplinary
action pursuant to A.R.S. §32-1696(B) ("... a person who violates this chapter or a
board rule is subject to disciplinary action...") through A.R.S. §32-1671(3)
("...provided that contact lenses shall never be dispensed without a written contact
lens prescription being on file...")

ORDER

Based on the above Findings of Fact and Conclusions of Law, IT IS
ORDERED that:

1. Respondent shall pay a civil penalty in the amount of three hundred dollars
($300.00). This entire amount shall be paid within thirty (30) days of the effective
date of this consent agreement, and shall be paid in the form of a cashier’s check or
money order made payable to the Board; and

2. Dispensing Optician License No. 3008i shall be placed on probation for a
period of 12 months starting on the effective date of this Order. Terms of this
probation shall include the following:

DATED AND EFFECTIVE this ___ day of ____, 2018.

ARIZONA BOARD OF DISPENSING OPTICIANS
By: 

Dale Nyblade  
Chairman  
Licensed Optician  

By: 

Angela Sauser  

Original of the foregoing filed  
This 2 day of May, 2018, with:  
AZ State Dispensing Opticians Board  
1740 West Adams Street, Lower Level  
Phoenix, Arizona 85007  

Copy of the foregoing mailed by  
U.S. Certified Mail this May day  
of 2, 2018, to:  

Copy of the foregoing mailed  
This 2 day of May, 2018 to:  
Scott Donald  
Assistant Attorney General  
License and Enforcement Section  
2005 N. Central Ave.  
Phoenix, Arizona 85004  

By: 

Megan Daman