

BOARD FOR OPTICIANS

MINUTES OF MEETING

The Board for Opticians met on Friday, December 11, 2009, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 1, Richmond, Virginia 23233.

The following members were present:

Billie L. Taylor, Chair
Dr. William Bearden *
Jon D. Bright
Robert E. Flippin
Faye Prichard

* Dr. Bearden joined meeting after approval of minutes.

The DPOR staff present for all or for portions of the meeting included:

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director of LRD
William H. Ferguson, II, Executive Director
Zelda Williams, Board Administrator
Cathy Clark, Administrative Assistant
Earlyne Perkins, Legal Analyst

A representative from the Office of the Attorney General was not present.

Ms. Taylor determined there was a quorum and called the meeting to order at 9:35 a.m. **Call to Order**

Upon a motion by Mr. Flippin and seconded by Ms. Prichard, the Board voted to approve the agenda as amended, adding Budget: Per Diems for Board Members. The members voting 'yes' were Mr. Bright, Mr. Flippin, Ms. Prichard and Ms. Taylor. There were no negative votes. The motion passed unanimously. **Approval of Agenda**

Ms. Taylor asked for public comment. There was no public comment. **Public Comment**

Upon a motion by Mr. Bright and seconded by Mr. Flippin, the Board voted to approve the minutes of the Board for Opticians April 24, 2009 board meeting. **Approval of Minutes**
April 24, 2009
Board Meeting

The members voting 'yes' were Mr. Bright, Mr. Flippin, Ms. Prichard, and Ms. Taylor. There were no negative votes. The motion passed

unanimously.

Upon a motion by Mr. Flippin and seconded by Mr. Bright, the Board voted to approve the minutes of the October 22, 2009 Licensing IFF meeting.

Approval of Minutes
October 22, 2009
and
November 19, 2009
Licensing IFF

The members voting 'yes' were Mr. Bright, Mr. Flippin, Ms. Prichard and Ms. Taylor. There were no negative votes. The motions passed unanimously.

Upon a motion by Mr. Bright and seconded by Mr. Flippin, the Board voted to approve the minutes of the November 19, 2009 Licensing IFF meeting.

The members voting 'yes' were Mr. Bright, Mr. Flippin, Ms. Prichard and Ms. Taylor. There were no negative votes. The motions passed unanimously.

In the matter of **File Number 2010-01142, Triolo, Summer T.**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Summer T. Triolo was not present at this time.

Cases
File Number 2010-
01142 Triolo,
Summer T.

Upon a motion by Mr. Bright, and seconded by Mr. Flippin, the Board voted to reject the recommendation in the Summary of the Informal Fact-Finding Conference based on the decisions the regulant has made, since she began the licensing process that have resulted in additional charges and convictions and the amount of time that has elapsed since the person's last involvement in the commission of a crime in reference to § 54.1-204.B.7 of the Code of Virginia Code of Virginia and the extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved in reference to § 54.1-204.B.3 of the Code, and deny Ms. Triolo's license.

The members voting 'yes' were Dr. Bearden, Mr. Bright, Mr. Flippin, Ms. Prichard and Ms. Taylor. There were no negative votes. The motion passed unanimously.

Ms. Summer T. Triolo joined the meeting after **File Number 2010-01142** had been acted upon by the Board.

Upon a motion by Mr. Bright, and seconded by Mr. Flippin, the Board voted to reconsider **File Number 2010-01142, Triolo, Summer T.**

The members voting 'yes' were Dr. Bearden, Mr. Bright, Mr. Flippin, Ms. Prichard, and Ms. Taylor. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2010-01142, Triolo, Summer T.**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Triolo spoke on her own behalf, and witnesses, Mr. Charles Triolo and Ms. Bonnie S. Cutright also spoke on behalf of Ms. Triolo.

Upon a motion by Mr. Bright, and seconded by Mr. Flippin, the Board voted to reject the recommendation in the Summary of the Informal Fact-Finding Conference based on the decisions the regulant has made, since she began the licensing process that have resulted in additional charges and convictions and the amount of time that has elapsed since the person's last involvement in the commission of a crime in reference to § 54.1-204.B.7 of the Code of Virginia Code of Virginia and the extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved in reference to § 54.1-204.B.3 of the Code, and deny Ms. Triolo's license.

The members voting 'yes' were Dr. Bearden, Mr. Bright, Mr. Flippin, Ms. Prichard, and Ms. Taylor. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2010-01656, Poling, Deborah H.**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Poling was present and spoke before the Board on her own behalf.

File Number 2010-01656 Poling, Deborah H.

Upon a motion by Mr. Bright, and seconded by Mr. Flippin, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Ms. Poling's license.

The members voting 'yes' were Dr. Bearden, Mr. Bright, Mr. Flippin, Ms. Prichard and Ms. Taylor. There were no negative votes. The motion passed unanimously.

Ms. Taylor left the meeting. Mr. Flippin assumed the chair

Ms. Taylor left meeting

In the matter of **File Number 2010-01724, Will, Mary Anne Claire B.**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Will did not appear before the Board.

File Number 2010-01724 Will, Mary Anne Claire B.

Upon a motion by Mr. Bright, and seconded by Dr. Bearden, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Ms. Will's license.

The members voting 'yes' were Dr. Bearden, Mr. Bright, Mr. Flippin, and Ms. Prichard. There were no negative votes. The motion passed unanimously.

As a Board representative in this case, Ms. Taylor was not present, did not participate in the discussion, and did not vote on this matter.

Ms. Taylor returned to the meeting and resumed the chair

Ms. Taylor returned

Mr. Bright reported on the activities of the National Committee of State Opticianry Regulatory Boards. Mr. Bright reported on the development and status of the practical examination. Mr. Bright noted that they were working with JCAHPO and PCS on the examination. Mr. Bright noted that the NCSORB annual meeting is scheduled for September 2010.

National Committee of State Opticianry Regulatory Boards

The Board reviewed its examination statistics for informational purposes.

Examination Statistics

The Board reviewed its quarterly board statistics for informational purposes.

Quarterly Statistics

The Board discussed courses for reinstatement of licenses.

Reinstatement Courses

By consensus, the Board delegated the Chair the authority to approve "reinstatement courses" pursuant to §18VAC100-20-130. Approval of review courses. of the Board for Opticians Regulations. Such approval shall be reported to the Board at its next meeting subsequent to the Chair's approval.

Since there was no further business to be brought before the Board, the meeting was adjourned at 12:25 p.m.

Adjourn

Billie Taylor, Chair

Gordon N. Dixon, Secretary