

FLORIDA BOARD OF OPTICIANRY GENERAL BOARD MEETING

April 29, 2022 at 2:00 P.M. EST

MEETING MINUTES

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Paul Wilford, Chair

Kimberly Marshall, Executive Director



Florida Board of Opticianry
General Board Meeting
April 29, 2022

CALL TO ORDER

The meeting was called to order on Friday, April 29, at 2:00 PM ET by Paul Wilford, Chair.

Roll call was conducted by Kimberly Marshall, Executive Director.

Members Present:

Paul Wilford, Chair
Jeffrey Taylor, Vice-Chair
Yvonne Schloss
Irene Stavros, RDH
Richard Williams

Members Not Present: None

Staff Present:

Kimberly Marshall, Executive Director
Eric Pottschmidt, Program Operations Administrator
Ronald "Tom" Jones, Assistant Attorney General
Cynthia NashEarly, Assistant General Counsel
Zachary Bell, Assistant General Counsel

REVIEW AND APPROVAL OF MINUTES – January 21, 2022

Motion: by Irene Stavros to approve the meeting minutes.

Second: by Jeffrey Taylor

Vote: Passed Unanimously.

APPLICATION REVIEW (TS – 02:25 Minutes)

Elizabeth Rowe – Optician

Elizabeth Rowe was present and did not have legal representation.

Ms. Rowe's application was presented to the Board for failing to disclose criminal history on her Apprentice Optician application. Eric Pottschmidt presented the application summary.

Jeffrey Taylor commented that he would like to consider requiring Ms. Rowe to provide letters of recommendations before further considering her application. Irene Stavros agreed with Mr. Taylor comments.

Jeffrey Taylor moved to require Ms. Rowe provide two or more letters of recommendations from employers, and a letter from Ms. Rowe explaining the steps she's taken to get her history behind her. Jeffrey Taylor also included in his motion to allow Paul Wilford to review, and either approve, or request a full board review of these letters at the next meeting.



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Paul Wilford suggested also opening a complaint on Ms. Rowes failure to disclose her criminal history on her Apprenticeship Optician application. Paul Wilford also recommended that an ethics course be required upon approval of her application.

After discussion the Board took the following action:

- Motion:** by Jeffrey Taylor to approve the application with the following conditions:
- To require Ms. Rowe to provide two or more letters of recommendations from employers, and a letter from Ms. Rowe explaining the steps she's taken to get her history behind her.
 - To allow Paul Wilford to review the letters of recommendations and either approve her application if satisfied with the letters or request a full board review of these letters at the next meeting.
 - To open a disciplinary complaint on Ms. Rowes for failure to disclose her criminal history on her Apprenticeship Optician application.
- Second:** by Irene Stavros
Vote: Passed Unanimously.

- Motion:** by Jeffrey Taylor to require a 2-hour ethics course be taken within three (3) months upon approval of her application.
- Second:** by Richard Williams
Vote: Passed Unanimously.

Fermin Arias - Apprentice Optician (TS – 17:10 Minutes)

Fermin Arias was present and did not have legal representation.

Mr. Arias's application was before the Board for 1st Degree felony convictions for Criminal Homicide and Robbery-Inflict Serious Bodily Injury.

Jeffrey Taylor recommended not approving his application based upon the severity of the crime and as he is still under probation / parole conditions.

After discussion the Board took the following action:

- Motion:** by Jeffrey Taylor to deny the application based on severity of the crime and that it relates to the practice of the profession.
- Second:** by Irene Stavros
Vote: Passed Unanimously.

PETITION FOR VARIANCE OR WAIVER (TS – 31:50 Minutes)

Christina Hernandez – Rule 64B12-15.001, F.A.C.

Christina Hernandez was not present and did not have legal representation.

Ms. Hernandez submitted a petition for variance or waiver to complete her continuing education requirements via a distance learning format instead of in-person.



After discussion the Board took the following action:

- Motion:** by Richard Williams to deny the Petition for Variance or Waiver.
Second: by Jeffrey Taylor
Vote: Passed Unanimously.

Mariah Rivera - Rule 64B12-16.003, F.A.C. (TS – 34:50 Minutes)

Mariah Rivera was present and did not have legal representation.

After discussion the Board took the following action:

- Motion:** by Richard Williams to approve the Petition for Variance or Waiver.
Second: by Jeffrey Taylor
Vote: Passed Unanimously.

PROSECUTOR’S REPORT

<u>Case Status</u>	<u>Report</u> Date 10/21/2021	<u>Report</u> Date 1/6/2022	<u>Report</u> Date 4/14/2022
Total cases open/active in Prosecution Services:	3	2	1
Cases in Emergency Action Unit:	0	0	0
Cases under legal review:	0	0	1
Cases awaiting supplemental investigation/expert opinion:	0	0	0
Cases with PCP recommendation:	2	2	0
Cases where probable cause has been found:	1	0	0
Cases where DOAH has been requested:	0	0	0
Cases pending before DOAH:	0	0	0
Cases on Board meeting agendas:	1	0	0
Cases on appeal:	0	0	0
Cases older than one year: *	1	2	0



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Motion: by Paul Wilford to approve the prosecutor's report.
Second: by Irene Stavros
Vote: Passed Unanimously

REPORTS

Chair's Report

No report.

Executive Director's Report

Financial Report – Nothing to report. Will be added to the board minutes.

Ms. Marcel Milstein spoke out and noted to that she had submitted a petition for variance or waiver requesting to waive the requirement to complete continuing education in an in-person format. The board office noted that the petition for variance or waiver had not been received, and because her matter was not properly noticed and placed on the agenda, this matter could not be discussed. The board office will contact Ms. Milstein with further guidance and instructions.

Board Counsel's Report – Ronald "Tom" Jones (TS – 49:00 Minutes)

Rule 64B12-9.0016, F.A.C.

Anthony Record addressed the Board.

After discussion, the following action was taken:

Motion: by Richard Williams to approve the proposed language as written.
Second: by Jeffrey Taylor
Vote: Passed Unanimously

SERC Questions

Motion: by Jeffrey Taylor in the negative for the below SERC questions.
Second: by Richard Williams
Vote: Passed Unanimously

- Will the proposed rule amendments have adverse impact on small business?
- Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule?
- Should a violation of this rule or any part of this rule be designated as a minor violation?
- Would a Sunset provision be applicable to this Rule?

Rules Report – As discussed.



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RATIFICATIONS

Licenses Issued and CE Courses Approved

Motion: by Jeffrey Taylor to accept the licenses issued ratification lists for 2001 and 2002 and to accept the ratification list of CE courses approved.

Second: by Irene Stavros

Passed: Unanimously

CE COURSES REQUIRING REVIEW

Optical Seminars – Initial Laws and Rules for Florida Opticianry Applicants CE Broker Course # 20-893633

After discussion, the following action was taken:

Motion: by Richard Williams to approve CE Broker Course # 20-893633 under the condition that when the rule change for Rule 64B12-9.0016, F.A.C., goes into effect, the Provider must resubmit the course for approval, and it must reflect compliance with the new rule language approved in this meeting.

Second: by Jeffrey Taylor

Vote: Passed Unanimously

NEXT SCHEDULED MEETING DATE – August 12, 2022 – GoToMeeting

OLD BUSINESS/NEW BUSINESS – No old or new business.

PUBLIC COMMENTS – No public comments.

ADJOURNMENT @ 3:15 p.m.