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BEFORE THE
OREGON BOARD OF OPTOMETRY
STATE OF OREGON

3 In the Matter of the License to Practice) AGENCY CASE NO:07-10-03
4 as an Optometrist of:)
5 Marie Pearson, O.D.) STIPULATED FINAL ORDER
6 Licensee.)
_____)

7 The Oregon Board of Optometry (Board) is the state agency responsible for licensing and
8 disciplining optometrists and for regulating the practice of optometry in Oregon.

9 I.

10 Findings of Fact

11 Marie Pearson O.D. (Licensee) is licensed by the Board to practice as an optometrist in
12 the State of Oregon.

13 During June, July and August 2007, Licensee was a licensed optometrist, and licensed to
14 practice at Binyon's Optical, 2169 14th Avenue SE, Albany, Oregon, 97321. From June 4, 2007
15 through August 20, 2007, Licensee took an extended leave of absence from her practice for
16 personal and family reasons. Licensee hired Johnathan Rogers (whom Licensee believed was a
17 licensed optometrist) to work in her place at Binyon's Optical to perform eye examinations on
18 patients. Johnathan Rogers was not a licensed optometrist in the State of Oregon, and, in fact,
19 had not received a degree as a doctor of optometry.

20 During June through August 2007, Mr. Rogers saw approximately 210 patients and
21 provided examinations and treatment to those patients. During the time he was hired, but
22 unbeknownst to Licensee, Mr. Rogers had previously signed a Temporary Stipulated Order with
23 the Board agreeing not to practice optometry. During this time period, Mr. Rogers was
24 providing examinations and treatment to patients and representing himself as an optometrist to
25 those patients.

1 IT IS HEREBY ORDERED:

- 2 1. Licensee admits that her acts and conduct in employing Johnathan Rogers as an
3 optometrist from June 4, 2007 through August 20, 2007, constitutes a violation of
4 ORS 683.180(7) (employing a person to practice optometry in this state without
5 having at the time of doing so a valid unrevoked license as an optometrist).
- 6 2. Licensee accepts a Reprimand by the Board.
- 7 3. Licensee agrees to pay the Board \$1000 to reimburse the Board for legal expenses
8 pursuant to ORS 683.140(2)(e). Licensee will make full payment of this amount within
9 90 days of the execution of this final order.
- 10 4. This Stipulated Final Order memorializes the entire agreement between Licensee and
11 the Board and supercedes any prior offers, negotiations or settlement discussions.

12 IN WITNESS THEREOF, Licensee and the Board have entered into and signed this
13 Stipulated Final Order.

14 DATED this 17 th day of December 2008.

15 OREGON BOARD OF OPTOMETRY

16 By: _____
17 Marie Pearson, O.D.

18 By: David Plunkett
19 David W. Plunkett, Executive Director