

BEFORE THE  
OREGON BOARD OF OPTOMETRY  
STATE OF OREGON

In the Matter of the Assessment of Civil  
Penalties Against:

RONALD GUILLEY, O.D.,  
Licensee.

Case No. 00-08-04

FINAL ORDER BY DEFAULT

On March 26, 2001, the Oregon Board of Optometry (Board) issued a notice of intent in which the Board proposed to assess a civil penalty of not more than \$1,000 for each offense against Ronald Guiley, O.D. (Licensee). On April 11, 2001, Licensee wrote a letter to the Board in response to the notice but did not request a contested case hearing.

**Findings of Fact**

1.

Licensee owns and operates a business under the name of Riverbend Eye Care, located at 143 SW Shevlin-Hixon Drive, Bend, Oregon.

2.

Licensee failed to use the words "optometrist," "doctor of optometry," or "optometric physician" when advertising in connection with his business or profession, as required by ORS 676.110(5). The facts are more particularly described as follows:

2.1 A newspaper advertisement appearing in THE BULLETIN invites its readers to a "Free Lasik Seminar" on Thursday, January 4, 2001, from 7:00 to 8:00 p.m. Topics to be presented by Licensee include "The Pros and Cons," "Surgery Center Options," and "Who Is A Good Candidate." The advertisement failed to inform the public of Licensee's business or profession. Such advertising is misleading and infers that Licensee is licensed to perform lasik eye surgery and that he operates a laser surgery center. Licensee is responsible for the content of each of his advertisements. OAR 852-010-0030.

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1 **Conclusion**

2 Based upon the foregoing Findings of Fact, the Board finds Licensee's actions constitute  
3 grounds for discipline for violations of the following statutes and rules:

4 1. ORS 683.140(6), for advertising optometric services of treatment or advise in  
5 which untruthful, improbable, misleading, deceiving or impossible statements are made.

6 2. OAR 852-10-030(2), which requires that the licensee whose practice is being  
7 advertised shall be responsible for the contents of each advertisement.

8 **Order**

9 IT IS HEREBY ORDERED that Licensee is assessed a civil penalty in the amount of  
10 \$125 for each of the violations described in ¶ 2.1 and ¶ 2.3, for a total of \$250.

11 DATED this 9TH day of AUGUST 2001.

12 OREGON BOARD OF OPTOMETRY  
13 State of Oregon

14   
15 David Plunkett, Executive Director

16 **NOTICE:** You are entitled to judicial review of this Final Order By Default pursuant to the  
17 provisions of ORS 183.480. Judicial review may be obtained by filing a petition in the Oregon  
18 Court of Appeals. The petition must be filed within 60 days from the date of service of this Final  
19 Order.

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