

**BEFORE THE OREGON BOARD OF OPTOMETRY  
STATE OF OREGON**

In the Matter of the Employment of an	)	<b>FINAL ORDER</b>
Unlicensed Person in Optometry by:	)	<b>OF DISCIPLINE</b>
	)	
<b>HUB OPTIX</b>	)	<b>OAH CASE NO.: 800836</b>
<b>RESPONDENT,</b>	)	<b>AGENCY CASE NO.: 07-10-07</b>
	)	

On May 20, 2009, ALJ Gutman issued a ruling on the Motion for Summary Determination and granted the Board's motion. In that ruling, Respondent was instructed to file exceptions by June 9, 2009. Respondent has failed to file any exceptions.

The Board hereby adopts in total ALJ Gutman's Ruling and incorporates it herein by reference, attached herein.

The Board adopts the Conclusions of Law as follows:

**CONCLUSIONS OF LAW**

1. Respondent employed an unlicensed optometrist to perform work covered by ORS 683.010 to 683.335, in violation of ORS 683.140(1)(e).
2. Respondent aided an unlicensed person in the practice of optometry, in violation of OAR 852-060-0027(3).
3. Civil penalties in the amount of \$10,000 and the costs of the disciplinary proceeding shall be assessed against Respondent, pursuant to ORS 683.140(2)(e).

The Board also pursuant to the Motion Ruling on page 6, Orders the following with some additions:

**ORDER**

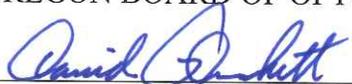
1. Civil penalties in the amount of \$10,000 and the costs of the disciplinary proceeding in the sum of \$ 1,774.59 are assessed against Respondent, pursuant to ORS 683.140(2)(e). Both are due and payable within 30 days this order becomes final.

Costs and Attorney Fees. The Board seeks a finding that it be awarded its costs, including investigative costs, and attorney fees. The Board's request is appropriate under ORS 683.140(2)(e) and *George Adams v. The Board of Medical Examiners, 170 Or App 1, 11 P. 3d 676, September 27, 2000*, costs are awarded as noted below.

**Respondent:**

Attorney General Costs:	\$1,402.00
OAH Costs:	<u>\$ 372.59</u>
Total Costs:	<u>\$1,774.59</u>

Dated this 5TH day of JUNE 2009. OREGON BOARD OF OPTOMETRY

By:   
David W. Plunkett, Executive Director

Appeal:

If you wish to appeal the final order, you must file a petition for review with the Oregon Court of Appeals within 60 days after the final order is served on you. See ORS 183.480 et seq.