

BEFORE THE
OREGON BOARD OF OPTOMETRY
STATE OF OREGON

In the Matter of)	Case # 07-05-02
Johnathan A. Rogers, Respondent)	FINAL DEFAULT ORDER
)	

The Oregon Board of Optometry (hereafter "Board") is the state agency responsible for licensing, regulating and disciplining Optometrists in the State of Oregon. Johnathan A. Rogers, (hereafter "Respondent"), is not currently licensed by the Board to practice as an optometrist in Oregon and is subject to the jurisdiction of the Board.

FINDINGS OF FACT

1.

It is alleged from January 2007 to June 5, 2007, Respondent engaged in the unlicensed practice of optometry by offering eye examinations, by refracting patients and providing diagnosis and treatment in the human eye at a business entitled Hub Optix located at 7367 SW Bridgeport Road, Tigard, Oregon. In addition, from at least May 2007 to September, 2007, Respondent engaged in the unlicensed practice of optometry by offering eye examinations, by refracting patients and providing diagnosis and treatment in the human eye at licensed optometric physicians' offices for the following: Master Eye Associates, Clackamas Town Center, Daryn W. Derstine, O.D., Portland, OR; Lena Barghouti & Associates, P.C., Lena R. Barghouti-Afranji, O.D., Hillsboro, OR; Master Eye Associates, Marie Pearson, O.D., Albany, OR; Sears Optical, Anna M. Moran, O.D., Roseburg, OR; 20/20 Eyecare Professionals, Wayne L. Gerig, O.D., Tigard, OR.

This conduct occurred while Respondent was not in possession of a current and valid Oregon license to practice Optometry. Respondent has not applied for an Oregon license.

CONCLUSIONS OF LAW

5.

The above conduct includes practicing optometry without a valid Oregon license and representing to be an optometrist. These are violations of ORS 683.180(7)(8), 683.020, and OAR 852-60-025(2)(b). Respondent also willingly attempted to deceive the Board, employees of the Board, in the matter under investigation by the Board. This is a violation of OAR 852-60-027(10). In addition, Respondent blatantly failed to comply with the Temporary Stipulated Order of the Board dated June 7, 2007 in which he agreed not to practice optometry or represent himself as an optometrist. This is a violation of OAR 852-60-027(21).

ORDER

6.

The Board assesses against Respondent a \$20,000 civil penalty pursuant to ORS 683.140(2)(e). This is payable within 30 days of the date of this order.

SO ORDERED DATED this 5th day of December 2007.

OREGON BOARD OF OPTOMETRY

By: David Plunkett
David W. Plunkett, Executive Director

A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the petition is based is served.

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