

BEFORE THE WEST VIRGINIA BOARD OF OPTOMETRY

**WEST VIRGINIA BOARD
OF OPTOMETRY,**

Complainant,

v.

Complaint No. 11-05

**J.I. RODGIN,
Optometrist,**

Respondent.

CONSENT DECREE

Now comes the Respondent, J.I. Rodgin (hereinafter "Respondent"), and the West Virginia Board of Optometry (hereinafter "Board"), by Pamela Carper, its Executive Director, for the purpose of resolving a complaint filed against Respondent. Pursuant to W. Va. Code § 30-8-18(d) the Board may enter into a consent decree. As reflected in this Consent Decree, the parties have reached an agreement in which Respondent agrees and stipulates to the Findings of Fact and Conclusions of Law set forth in this Consent Decree concerning the proper disposition of this matter. The Board, having approved such agreement, does hereby Find and Order as follows:

FINDINGS OF FACT

1. The Board is a state entity created by W. Va. Code § 30-8-1 *et seq.*, and is authorized to regulate the conduct of optometrists and is charged with the responsibility to protect the health, safety and welfare of the public through its regulation of the practice of optometry.
2. On April 4, 2011, the Board received a complaint against Respondent filed by Kimberly Cochran ("Cochran").

3. Cochran alleged that she visited Respondent's office on March 31, 2011, for an eye examination during which Rodgin engaged in unprofessional behavior.

4. The Board is authorized to suspend or revoke a license without prior hearing pursuant to W. Va. Code § 30-1-8(e)(1). The Board served upon Rodgin an Order Suspending License on or about April 7, 2011, and received Rodgin's license in the mail on or about April 12, 2011.

CONCLUSIONS OF LAW

West Virginia Code § 30-8-1 *et seq.*, vests the Board with the authority and responsibility to regulate the profession of optometry in the State of West Virginia. West Virginia Code § 30-8-18 provides that the Board may revoke, suspend or otherwise discipline a licensee if the licensee "violates any provisions of this article, any rule or any order or final decision issued by the Board." West Virginia Code § 30-8-18(g)(3) allows action by the Board for "being guilty of unprofessional conduct which placed the public at risk."

CONSENT

Respondent, by signing below, agrees that he has had the opportunity to consult with counsel and executes this Consent Decree voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein. Respondent acknowledges that he may pursue this matter through appropriate administrative and/or court proceedings, and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights. Respondent agrees never to seek reinstatement of licensure in any capacity from the Board in the future.

ORDER

On the basis of the foregoing, the Board hereby **ORDERS** that Respondent shall cease and desist from the practice of optometry in the State of West Virginia.

AGREED TO BY:

J.J. Rodgin
J.J. RODGIN

5-19-11
DATE

ENTERED into the records of the Optometry Board this:

5th day of May, 2011.

WEST VIRGINIA BOARD OF OPTOMETRY

By: Pamela Carper
PAMELA CARPER
EXECUTIVE DIRECTOR