

WEST VIRGINIA BOARD OF OPTOMETRY,

Plaintiff,

v.

Civil Action No. 06-C-433-3

JOSEPH S. SERIANI,

Defendant.

CONSENT ORDER

On the 4th day of October, 2006, the Court entered a Preliminary Injunction Order, finding that the evidence met the balancing of hardship test set forth in Severt v. Beckley Coals, Inc., 153 W. Va. 600, 170 S.E.2d 577 (1969), Syl. Pt. 2, and ordering the Defendant to cease and desist practicing; attempting to practice and/or otherwise acting in a manner that could convey the impression to the public that the Defendant is licensed to practice optometry in the State of West Virginia.

The parties have informed the Court that neither has additional evidence to present and that they have entered into the following agreement:

1. That a Permanent Injunction may be entered by the Court, without objection by either party, enjoining the Defendant from practicing, attempting to practice and/or otherwise acting in a manner that could convey the impression to the public that the Defendant is licensed to practice optometry in the State of West Virginia.

2. That the Defendant will not refer to himself as "Dr. Serian" or "Dr. Seriani," allow any co-workers or employers to refer to him as "Dr. Serian" or "Dr. Seriani," or otherwise convey or allow others to convey the impression to the public that the Defendant is licensed to practice

optometry in the State of West Virginia, at Family Vision Center or in any other business location or setting involving the practice of optometry or the sale of optometric goods or services.

3. That the Defendant will not perform any eye examinations, prescribe any corrective devices for the eyes, or give any professional advice regarding a customer's eye health or vision needs, at Family Vision Center or in any other business location or setting involving the practice of optometry or the sale of optometric goods or services.

And the Court, finding the parties' agreement to be a reasonable resolution of this case and sufficient to protect the interests of the public, accepts said agreement; accordingly, it is hereby ORDERED that the Defendant be permanently enjoined from practicing, attempting to practice and/or otherwise acting in a manner that could convey the impression to the public that the Defendant is licensed to practice optometry in the State of West Virginia.

It is further ORDERED that since the State of West Virginia or an agency thereof is the Plaintiff in this case, said injunction shall take effect without the posting of any bond.

It is further ORDERED that the Clerk shall send certified copies of this Order to the West Virginia Board of Optometry, c/o Barbara H. Allen, Managing Deputy Attorney General, Room E-26 State Capitol, Charleston, WV 25305; to Joseph Seriani, 69 Walnut St., Shinnston, WV 26431; and to Family Vision Center, 2399 Meadowbrook Mall, Bridgeport, WV 26330.

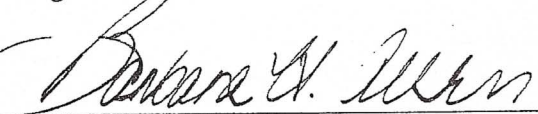
Date:

01/24/2007

ENTER:


James A. Matish

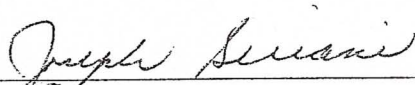
Agreed to:



Barbara H. Allen, WVSB No. 1220
Managing Deputy Attorney General
E-26 State Capitol
Charleston, WV 26505
(304) 558-2021

Counsel for West Virginia Board
of Optometry

Agreed to:



Joseph Seriani
69 Walnut Street
Shinnston, WV 26431
(304) 276-0163

Pro Se

STATE OF WEST VIRGINIA
COUNTY OF HARRISON, TO-WIT:

I, Donald L. Kopp II, Clerk of the Fifteenth Judicial Circuit and the 18th
Family Court Circuit of Harrison County, West Virginia, hereby certify the
foregoing to be a true copy of the ORDER entered in the above styled action

on the 24 day of January, 2007.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix

Seal of the Court this 24 day of January, 2007.

Donald L. Kopp II
Fifteenth Judicial Circuit & 18th Family Court
Circuit Clerk
Harrison County, West Virginia