

BEFORE THE WEST VIRGINIA BOARD OF OPTOMETRY

**IN THE MATTER OF DAVID GOMEZ, O.D.
Certificate No. 926-OD**

MEMORANDUM OF UNDERSTANDING

Effective the 4th day of December, 2007, this Memorandum of Understanding ("MOU"), which modifies the Consent Decree ("CD") made and entered on or about May 10, 2007, attached hereto and incorporated thereby, is made to memorialize the following changes to said CD:


1. Dr. Gomez may engage in the practice of optometry without supervision from Dr. Janney as previously required in paragraph (c) of said CD.
2. Dr. Gomez is subject to random drug testing as a condition of federal supervised release mandates, as evidenced by correspondence dated November 26, 2007, from John B. Edgar, Senior U.S. Probation Officer, attached hereto, and as such complies with paragraph (d) of said CD requiring random drug testing.
3. Dr. Gomez shall notify the Board within five (5) days of notice of a positive test or other irregularity or notice of any kind under the testing identified in paragraph 2 above, including but not limited to the failure to submit to said testing for any reason.
4. Dr. Gomez shall notify the Board within five (5) days of notice of the use or allegation, complaint or otherwise, of the use of any controlled substance until the expiration of the testing identified in paragraph 2 above.

IN WITNESS WHEREOF the parties hereto have caused this Memorandum of Understanding, which modifies the Consent Decree made and entered on or about May 10, 2007, attached hereto and incorporated thereby, to be duly executed the day and year first above written.

**WEST VIRGINIA BOARD
OF OPTOMETRY**

By: 
PAMELA CARPER
Executive Administrator

REVIEWED BY


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DAVID GOMEZ, O.D.
Certificate No. 926-OD


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