

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE OPTOMETRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

WILLIAM H. MYERS, O.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
: DHA case SPS 14-0059
: 0004048

Division of Legal Services and Compliance Case No. 13 OPT 004

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

William H. Myers, O.D.
416 Genessee Street
Delafield, WI 53018

Wisconsin Optometry Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

PROCEDURAL HISTORY

The Division of Legal Services and Compliance commenced this proceeding on August 1, 2014. Administrative Law Judge Jennifer Nashold presided over prehearing conferences on September 3, 10, and 17, 2014. Respondent, represented by attorney Thomas Marola, filed an Answer on September 17, 2014.

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Optometry Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent William H. Myers, O.D. (dob September 28, 1948) is licensed in the state of Wisconsin to practice optometry, having license number 1434-35, first granted on August 5, 1973, and expired on December 14, 2009. Respondent has the right to renew the

license through December 14, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 416 Genessee Street, Delafield, Wisconsin 53018.

2. From December 15, 2009 to the present, Respondent has continually advertised his business as "Myers Eyecare, Dr. William H. Myers, Optometrist."

3. Respondent tenders the surrender of his license, (number 1434-35) and all right to renew his license, in resolution of the pending disciplinary proceeding.

4. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Optometry Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 449.07(1), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent William H. Myers, O.D., has violated Wis. Admin. Code § Opt 5.13(1), by creating the false impression that he is authorized, by a current license, to practice optometry.

ORDER

1. The attached Stipulation is accepted.

2. William H. Myers, O.D.'s, SURRENDER of all right to renew his license (number 1434-35) is accepted.

3. Respondent shall not engage in any conduct constituting the practice of optometry, nor shall he represent or hold himself out in any way as a person licensed to practice optometry.

4. Within 90 days from the date of this Order, William H. Myers, O.D., shall pay COSTS of this matter in the amount of \$1500.00.

5. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. This Order is effective on the date of its signing.

WISCONSIN OPTOMETRY EXAMINING BOARD

by: Ann Marie Culi
A Member of the Board

6-4-2015
Date

STATE OF WISCONSIN
BEFORE THE OPTOMETRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

WILLIAM H. MYERS, O.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004040

Division of Legal Services and Compliance Case No. 13 OPT 004

Respondent William H. Myers, O.D., and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending proceeding by the Division of Legal Services and Compliance. Respondent consents to the resolution of this proceeding by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Thomas Marola.

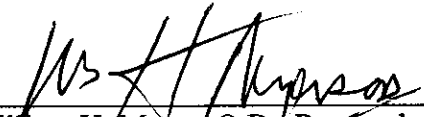
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Optometry Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



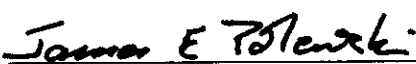
William H. Myers, O.D., Respondent
416 Genessee Street
Delafield, WI 53018
License no. 1434-35

3/24/2015
Date



Thomas Marola, Attorney for Respondent
2230 South 108th Street
West Allis, WI 53227

3/27/2015
Date



James E. Polewski, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

Date