

VIRGINIA:

BEFORE THE BOARD OF OPTOMETRY

IN RE: **ROY D. VIGILANCE, O.D.**
License No.: ~~0618~~⁰⁶¹⁸-001399
Complaint No.: 113743

CONSENT ORDER

Now come the Virginia Board of Optometry ("Board") and Roy D. Vigilance, O.D., and as evidenced by their signatures affixed below, and enter into this Consent Order affecting the license of Dr. Vigilance to practice optometry in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Roy D. Vigilance, O.D., holds license number 0618-001399 issued by the Board to practice optometry in the Commonwealth of Virginia.
2. Dr. Vigilance violated § 54.1-3215(17) of the Code of Virginia (1950), as amended, and 18 VAC 105-20-60 of the Regulations of the Board of Optometry, in that on December 31, 2004, Dr. Vigilance's license expired and he failed to request renewal until February 21, 2007. Dr. Vigilance continued to practice while his license was expired.

CONSENT

Roy D. Vigilance, O.D., by affixing his signature hereon, agrees to the following:

1. He has been advised specifically to seek the advice of counsel prior to signing this document;
2. He is fully aware that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000A et seq. of the Code of Virginia;
3. He has the following rights, among others:

- a. the right to an informal fact-finding conference before the Board;
 - b. the right to representation by counsel; and
 - c. the right to cross-examine witnesses against him.
4. He waives all rights to an informal hearing;
 5. He admits the truth of the above Findings of Fact; and
 6. He consents to the following Order affecting his license to practice optometry in the Commonwealth of Virginia.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact, Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that:

1. Roy D. Vigilance, O.D., shall be assessed a monetary penalty of Seven Hundred Fifty Dollars (\$750), said penalty to be paid to the Board by certified check or money order within thirty (30) days from the date that this Order is final. If the monetary penalty is mailed, it shall be mailed by certified or registered mail. If said monetary penalty is not received within the prescribed deadline, an additional One Hundred Dollar (\$100.00) late fee shall be assessed weekly, up to a maximum of One Thousand Dollars (\$1000.00). Failure to pay the full monetary penalty plus the additional assessment within one hundred (100) days of the date of entry of this Order shall constitute grounds for an administrative proceeding.
2. Dr. Vigilance shall be audited for documentation of satisfactory completion of the sixteen (16) continuing education hours pursuant to 18 VAC 105-20-70(A)(2) of the Regulations required for the renewal of his 2007, 2008 and 2009 optometry licenses.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code of Virginia, the signed original of this

Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public release, inspection and copying upon request.

FOR THE BOARD:

Elizabeth A. Carter, PhD/CS
Elizabeth A. Carter, Ph.D.
Executive Director
ENTERED: 8/22/2007

SEEN AND AGREED TO:

Roy D. Vigilance
Roy D. Vigilance, O.D.

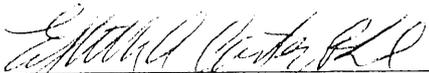
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Fairfax

Subscribed and sworn to before me, a Notary Public in and for the city/county of Fairfax, this 20 day of AUGUST, 2007, by Roy D. Vigilance.

Wendy Skella
Notary Public
My Commission Expires: April 30, 2011
ID # 7087815

Certificate of Service

I hereby certify that a true copy of the foregoing Consent Order was mailed to Roy D. Vigilance at 206 North Wayne Street, Apartment 2, Arlington, Virginia, 22201, on the 22nd day of August, 2007.



Elizabeth A. Carter, Ph.D.
Executive Director
Board of Optometry

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