

BEFORE THE KANSAS BOARD OF EXAMINERS IN OPTOMETRY

In the Matter of)
)
GINA C. RIDDER, O.D.) Case No. 2012-3
Kansas License No. 1359-3)

STIPULATION AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Board of Examiners in Optometry (the "Board") and Gina Ridder, O.D. (the "Respondent") as follows:

1. The Board is represented herein by its attorneys, Randall J. Forbes and Timothy D. Resner of Frieden, Unrein & Forbes, LLP 555 South Kansas Avenue, Suite 303, Topeka, Kansas 66603. The Respondent is represented herein by her attorney, Scott C. Palecki of Foulston Siefkin, L.L.P., 1551 N. Waterfront Parkway, Suite 100, Wichita, Kansas 67206-4466, or has been afforded the independent right of representation and examination, and acting upon the independent right of representation and examination voluntarily enters into this Stipulation and Final Agency Order.

2. The Board is a Kansas administrative agency vested with the authority, pursuant to K.S.A. 74-1501 and K.S.A. 74-1504, to carry out and enforce the provisions of the Kansas Optometry Act, K.S.A. 65-1517 *et seq.*, including conducting hearings and proceedings to revoke, suspend or otherwise discipline a Kansas license to practice optometry.

3. The Respondent is presently entitled to engage in the practice of optometry in the State of Kansas by reason of the Board having issued her Kansas license number 1359-3. At all times relevant hereto, the Respondent has held a current license to engage in the practice of optometry in the State of Kansas, and is a licensee as that term is defined by K.S.A. 65-1501a(c) and K.A.R. 65-4-1(i).

4. The Board has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Respondent has committed an act or acts, in violation of the Kansas Optometry Act, K.S.A. 65-1501, *et seq.*

5. Respondent hereby admits and waives any further proof in this proceeding, case no. 2012-3, before by the Board that she falsely advertised her license to be that of “Physician – MD & DO – Ophthalmology” in the 2012 – 2013 Mid-Kansas Yellow Book.

6. The Board hereby finds and concludes that Respondent's conduct, as described above, is grounds for disciplinary action in the State of Kansas, pursuant to K.S.A. 65-1516(b)(1), as further defined in K.A.R. 65-11-2, and K.S.A. 65-1516(b)(4).

7. The Board hereby finds and the Respondent hereby agrees that the following disposition is just and appropriate under the circumstances:

A. ADMINISTRATIVE FINE. Respondent hereby agrees and consents to the Board's entry of an order assessing against her an administrative fine in the amount of Five Hundred Dollars (\$500.00). Said administrative fine of Five Hundred Dollars (\$500.00) shall be paid to the Board within ten (10) days of the effective date of the Final Agency Order contemplated hereby.

B. OTHER REQUIREMENTS. Respondent hereby acknowledges and agrees that as a condition of this Stipulation and Final Agency Order, she must:

- i. Comply fully with this Stipulation and Final Agency Order; and
- ii. Comply fully with the Kansas Optometry Act, the Board's rules and regulations and all state and federal laws relating to Kansas optometrists.

8. Respondent hereby agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and its attorney regarding the investigation,

which led to this disciplinary action, and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Stipulation and Final Agency Order and the Final Order provided for herein, with or without the presence of the Respondent or her attorney. In the event that this Stipulation and Final Agency Order and the Final Order provided for herein are not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Final Agency Order or the information mentioned in the preceding sentence and further agrees to waive any claim of due process violation or the right to seek the disqualification of any Board member as a result of the Board member's consideration of said document and information.

9. The stipulations contained herein shall not become effective and/or binding until this Stipulation and Final Agency Action is approved by the Board and the Final Order provided for herein is entered by the Board. The Respondent acknowledges that the approval of the Board's attorney shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Final Agency Action or the Final Order provided for herein.

10. The Respondent agrees that this Stipulation and Final Agency Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it and enter the Final Order provided for herein. The Respondent further agrees that the Kansas Optometry Act, K.S.A. 65-1501, *et seq.*, is constitutional on its face and as applied in this case.

11. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

12. The Respondent acknowledges that she has the following rights:

- A. To have formal notice of charges served upon her;
- B. To file a response to the charges;
- C. To have notice of and participate in a formal adjudicative hearing with the Board making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing.
- D. To take advantage of all applicable provisions of the Kansas Administrative Procedures Act and the Kansas Judicial Review Act.

13. The Respondent freely waives these foregoing rights and acknowledges that the said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against her to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Final Agency Order and the Final Order provided for herein.

14. The Respondent acknowledges that she enters into this Stipulation and Final Agency Order freely and voluntarily after consultation with counsel of her choosing or after having had the opportunity to do so. The Respondent further acknowledges that she has read this Stipulation and Final Agency order in its entirety, that she understands its legal consequences and that she agrees that none of its terms are unconscionable, arbitrary or capricious.

15. Time is of the essence to this Stipulation and Final Agency Order. Respondent acknowledges and agrees that any violation of this Stipulation and Final Agency Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against her. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Final Agency Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Final Agency Order.

16. This Stipulation and Final Agency Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Final Agency Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Stipulation and Final Agency Order shall be given full force and effect.

17. Upon execution by all parties, this Stipulation and Final Agency Order shall be a public record in the custody of the Board.

18. This Stipulation and Final Agency Order shall become effective on the day it is approved, accepted and made an order of the Board by way of signature of the Board's authorized representative.

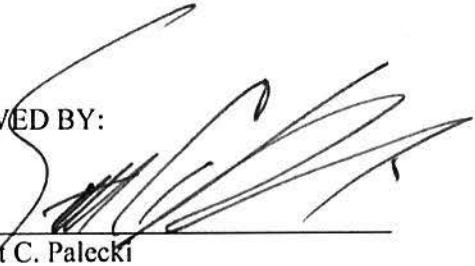
19. The Respondent acknowledges that she has been advised by the Board that she would have the right within fifteen (15) days after service of the Final Order provided for herein to file a petition for reconsideration with the Board and the right within thirty (30) days after service of the Final Order provided for herein to file a petition for judicial review in the District Court of Shawnee County, Kansas, in accordance with the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601, *et seq.*, and to serve such a petition for judicial review on the Kansas Board of Examiners in Optometry by serving Jan Murray at 3109 West 6th Street, Suite B, Lawrence, Kansas 66049. The Respondent hereby waives those rights.

AGREED AND ACCEPTED BY:


Gina C. Ridder, O.D.

2-18-13
Date

APPROVED BY:




Mr. Scott C. Palecki
FOULSTON SIEFKIN, LLP
1551 N. Waterfront Parkway, Suite 100
Wichita, Kansas 67206-4466
Attorney for Gina C. Ridder

Date

2/27/13

APPROVED BY:



Randall J. Forbes, #09089
Timothy D. Resner, #25064
FRIEDEN, UNREIN & FORBES, LLP
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603
785.354.1100
785.354.1113 facsimile
Attorneys for Kansas Board of Examiners In Optometry

Date

3-1-13

**BEFORE THE BOARD OF EXAMINERS IN OPTOMETRY
STATE OF KANSAS**

In the Matter of)	
)	
GINA C. RIDDER, O.D.)	Case No. 2012-3
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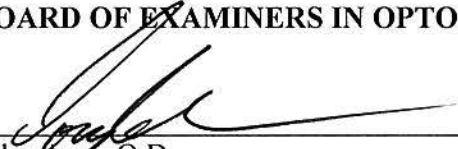
FINAL ORDER

Upon motion duly made, seconded and passed, the Kansas Board of Examiners in Optometry (the "Board") hereby approves and accepts the within Stipulation and Final Agency Order and incorporates the provisions thereof as the Final Order of the Board.

ENTERED AND EFFECTIVE this the 7th day of June, 20 .

KANSAS BOARD OF EXAMINERS IN OPTOMETRY

By: _____



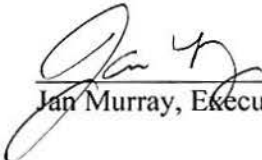
Douglas Ayre, O.D.
President

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND FINAL AGENCY ORDER was served by depositing same in the United States mail, postage prepaid, on this the 12 day of June, 2013 addressed to:

Randall J. Forbes
Timothy D. Resner
FRIEDEN, UNREIN & FORBES, LLP
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603

Mr. Scott C. Palecki
FOULSTON SIEFKIN, LLP
1551 N. Waterfront Parkway, Suite 100
Wichita, Kansas 67206-4466
Attorney for Gina C. Ridder



Jan Murray, Executive Officer

Gina Ridder OD
2701 N Main Ste A
Hutchinson, KS 67502