

BEFORE THE IOWA BOARD OF OPTOMETRY

IN THE MATTER OF THE STATEMENT)	Case No. 06-004
OF CHARGES AGAINST)	
)	
Steven Thibon, O.D.)	COMBINED NOTICE OF
License No. 152-02308,)	HEARING, STATEMENT OF
)	CHARGES, SETTLEMENT
RESPONDENT.)	AGREEMENT AND FINAL ORDER

COME NOW the Parties, the Iowa Board of Optometry (hereinafter “the Iowa Board”) and Respondent Steven Thibon, O.D. and hereby enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order (hereinafter “Agreement”) pursuant to Iowa Code sections 17A.10(2) (2007), 272C.3(4), and 645 IAC 12.1.

NOTICE OF HEARING

1. A hearing on this matter will not be held as the Iowa Board and Thibon have agreed to enter into this Agreement.
2. The Iowa Board issued Thibon Optometry License Number 152-02308 on September 22, 2004, and his license is valid through June 30, 2008.
3. Thibon resides in California, Missouri.

LEGAL AUTHORITY AND JURISDICTION.

4. The Iowa Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 154, and 272C.

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

5. Thibon is charged with violating a regulation or law of this state, another state, or the United States, in violation of 645 IAC 183.2(12).

COUNT II

6. Thibon is charged under 645 IAC 183.2(13) with being disciplined by a licensing board of another state.

STATEMENT OF MATTERS ASSERTED

7. Between February 19, 2004 and March 13, 2004, Thibon misappropriated more than \$750 from California Progress, Inc., a volunteer organization located in California, Missouri.

8. The misappropriation occurred as the result of a gambling addiction.

9. Thibon repaid the misappropriated funds.

10. On May 1, 2006, Thibon entered a guilty plea to theft of property or services worth more than \$500 but less than \$25,000, based upon the misappropriation from California Progress, Inc.

11. The Circuit Court of Moniteau County, Missouri ordered Thibon to pay restitution of \$5,450, and imposed a suspended sentence with probation for five years, subject to special conditions.

12. Thibon reported his conviction to the Missouri State Board of Optometry (hereinafter "the Missouri Board").

13. On October 23, 2006, the Missouri Board and Thibon entered into a Settlement Agreement of Case No. 2006-003369, where the Missouri Board disciplined Thibon for his conviction.

14. The Missouri Board placed Thibon on probation for five years, subject to certain conditions.

15. On June 5, 2006, when he applied for renewal of his Iowa Optometry license, Thibon notified the Iowa Board that he had been convicted.

SETTLEMENT AGREEMENT AND FINAL ORDER

16. Thibon agrees not to contest the above stated charges before the Board.

17. Thibon's license to practice optometry in the state of Iowa shall be placed on probation for a period of five (5) years.

18. Thibon shall comply with all terms of the Settlement Agreement with the Missouri Board. The same restrictions imposed on his license in Missouri shall apply in Iowa. Thibon will provide the Iowa Board with a copy of all documents required by the Settlement Agreement with the Missouri Board. A copy of the Settlement Agreement with the Missouri Board is attached hereto as Exhibit "A" and is incorporated herein by this reference.

19. Upon request of the Iowa Board, Thibon agrees to appear before the Iowa Board to answer any questions or concerns the Iowa Board may have regarding Thibon's compliance with this Agreement. The Iowa Board will provide Thibon with reasonable notice of the date, time, and place of any requested appearance. Thibon agrees that any such appearance would be governed by 645 IAC 9.7 and he agrees to waive any and all objections to the members of the Iowa Board both participating in the appearance and later participating as decision makers in a contested case proceeding.

20. Thibon agrees to pay the Iowa Board a civil monetary penalty of \$1,000. Thibon shall remit full payment of the civil monetary penalty to the Iowa Board within 30 days of the date this Agreement is executed by the Iowa Board.

21. Upon full compliance with the above terms and conditions, Thibon's license to practice optometry in the state of Iowa shall be restored to its full privileges free and clear of all probationary restrictions.

22. This Combined Notice of Hearing, Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

23. By entering into this Combined Notice of Hearing, Statement of Charges, Settlement Agreement and Final Order, Thibon voluntarily waives any right to a contested hearing on the allegations contained in the Statement of Matters Asserted, and waives any objections to the terms of this Agreement.

24. This Combined Notice of Hearing, Statement of Charges, Settlement Agreement and Final Order is voluntarily submitted by Thibon and the Iowa Board.

25. Thibon acknowledges that he has the right to be represented by counsel in this matter.

26. Thibon agrees that the State's counsel may present this Agreement to the Iowa Board.

27. This Combined Notice of Hearing, Statement of Charges, Settlement Agreement and Final Order must be approved by the Iowa Board. If the Iowa Board fails to approve this Combined Notice of Hearing, Statement of Charges, Settlement Agreement and Final Order it shall be of no force or effect to either party.

28. Thibon understands that this Order is a public record and is therefore, subject to inspection and copying by members of the public.

29. This Order shall be part of Thibon's permanent record and shall be considered by the Iowa Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

30. Any failure by Thibon to comply with the terms and conditions of this Order may subject Thibon to further licensee disciplinary action by the Iowa Board.

31. The Iowa Board's approval of this Combined Notice of Hearing, Statement of Charges, Settlement Agreement and Final Order shall constitute a Final Order of the Iowa Board.

This combined notice of hearing, statement of charges, settlement agreement and final order is approved by the board on October 4, 2007.