

**BEFORE THE FITNESS TO PRACTISE COMMITTEE
OF THE GENERAL OPTICAL COUNCIL**

GENERAL OPTICAL COUNCIL

F(06)18

AND

DAVID AGYEMAN (D-8945)

DETERMINATION OF THE INQUIRY: 18 SEPTEMBER 2007

On 18 September 2007, the Fitness to Practise Committee of the General Optical Council met to consider the following allegation against David Agyeman:

ALLEGATION

That the fitness to practise of David Agyeman (a registered dispensing optician) is impaired in that:

1. Between 6 July 2005 and 31 August 2005 on the various dates and to the various patients set out in Schedule A Mr Agyeman fitted contact lenses to 14 patients when he was not qualified to do so, contrary to Rule 3 The Contact Lens (Qualifications) Rules 1988, which were made pursuant to Section 25(3) of the Opticians Act 1989 (as amended).

AND

By reason of the facts set out above Mr Agyeman is guilty of misconduct.

APPLICATION

An application has been made by the Registrant to adjourn these proceedings because of a procedural irregularity which has occurred. This Committee received a bundle of witness statements and exhibits from the Council. These statements in particular included evidence which was not to be called at all and evidence which was inadmissible and which the Committee would not be entitled to hear. This is very regrettable and should not have happened and could affect the appearance of

whether the registrant would receive a fair hearing today. We know little about the issues which will be in dispute since the registrant is not represented nor has he engaged in this process until today. However, Mr Albuery, on behalf of the Council, is better informed and, significantly, does not oppose the application.

In these circumstances, the Committee feels that it has no option other than to grant this adjournment. Mr Agyeman has undertaken that he will use this adjournment to obtain legal advice and representation. The Committee is obliged to fix a date for the next substantive hearing and the date will be 11 January 2008 commencing at 9.30 a.m. – a notice of inquiry will be issued in accordance with the rules.

Chairman of the Committee: Peter North

Signed: _____ **Date: 18 September 2007**

Registrant: David Agyeman

Signed: _____ **Date: 18 September 2007**