

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

)	
In the Matter of)	
)	
COLEGIO DE OPTOMETRAS,)	
a professional association,)	
)	
and)	File No. 051 0044
)	
EDGAR DÁVILA GARCIA, O.D., and)	
CARLOS RIVERA ALONSO, O.D.,)	
individuals.)	
)	

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of the Colegio de Optometras, Edgar Dávila García, O.D., and Carlos Rivera Alonso, O.D. (hereinafter collectively referred to as “Proposed Respondents”), and it now appearing that Proposed Respondents are willing to enter into an Agreement Containing Consent Order to Cease and Desist (“Consent Agreement”) from certain acts and practices, and providing for other relief,

IT IS HEREBY AGREED by and between Proposed Respondents and their attorneys, and counsel for the Commission that:

1. Proposed Respondent Colegio de Optometras is a not-for-profit corporation, organized, existing, and doing business under and by virtue of the laws of the Commonwealth of Puerto Rico, with its principal address located at Eleanor Roosevelt Avenue, #118, Hato Rey, Puerto Rico, 00918.
2. Proposed Respondent Edgar Dávila García, O.D., an individual, is an optometrist licensed to practice optometry in Puerto Rico. His principal address is Dr. Berrocal & Asociados, 150 De Diego Avenue, Suite 404, Santurce, Puerto Rico, 00907.
3. Proposed Respondent Carlos Rivera Alonso, O.D., an individual, is an optometrist licensed to practice optometry in Puerto Rico. His principal address is Centro Visual Juncos, 29 Martinez, Juncos, Puerto Rico, 00777.

4. Proposed Respondents admit all the jurisdictional facts set forth in the draft of Complaint here attached.
3. Proposed Respondents waive:
 - a. any further procedural steps;
 - b. the requirement that the Commission's Decision and Order ("Order"), attached hereto and made a part hereof, contain a statement of findings of fact and conclusions of law;
 - c. all rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Consent Agreement; and
 - d. any claim under the Equal Access to Justice Act.
5. This Consent Agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this Consent Agreement is accepted by the Commission it, together with the draft of Complaint contemplated thereby, will be placed on the public record for a period of thirty (30) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Consent Agreement and so notify the Proposed Respondents, in which event it will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and Order, in disposition of the proceeding.
6. This Consent Agreement is for settlement purposes only and does not constitute an admission by Proposed Respondents that the law has been violated as alleged in the draft of Complaint here attached, or that the facts as alleged in the draft Complaint, other than jurisdictional facts, are true.
7. This Consent Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Commission Rule 2.34, 16 C.F.R. § 2.34, the Commission may, without further notice to Proposed Respondents, (1) issue its Complaint corresponding in form and substance with the draft Complaint here attached and the Order in disposition of the proceeding and (2) make information public with respect thereto. When so entered, the Order shall have the same force and effect, and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery of the Complaint and the Order to Proposed Respondents by any means specified in Commission Rule 4.4(a), 16 C.F.R. § 4.4(a), shall constitute service. Proposed Respondents waive any right it may have to any other manner of service. The Complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in

the Order or the Consent Agreement may be used to vary or contradict the terms of the Order.

7. Proposed Respondents have read the draft of the Complaint and the Order contemplated hereby. By signing this Consent Agreement, Proposed Respondents represent that they can accomplish the full relief contemplated by this Consent Agreement. Proposed Respondents understand that once the Order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the Order. Proposed Respondents agree to comply with Paragraphs II and III of the draft Decision and Order from the date that they sign this Consent Agreement. Proposed Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the Order after the Order becomes final.

COLEGIO DE OPTOMETRAS

By _____
Dr. Wilfredo Cruz, as President of the Colegio de Optometras
Signed this _____ day of _____, 2007

EDGAR DÁVILA GARCIA, O.D.

By _____
Edgar Dávila García, O.D., individually
Signed this _____ day of _____, 2007

CARLOS RIVERA ALONSO, O.D.

By _____
Carlos Rivera Alonso, O.D., individually
Signed this _____ day of _____, 2007

FEDERAL TRADE COMMISSION

By _____
Susan E. Raitt
Attorney

Approved:

Thomas A. Cohn
Acting Regional Director
Northeast Regional Office

David P. Wales
Deputy Director
Bureau of Competition

Jeffrey Schmidt
Director
Bureau of Competition