PRIVATELY PRACTICING OPTOMETRISTS IN THE DISTRICT OF COLUMBIA

(Those marked with an asterisk practice in a non-commercial or non-store front location).

Aarons
Berlin
Binder
Campbell
Couperthwaite
Dantzic
*Dosik
Duff
Ephraim
*Etz
*Failor
*Farkas
Felstein
Finn
Fishkin
Fox
*Franke
Friedman
Gilpeer
Ginzberg
Goldblatt
Greenberg
Greenwood
Griffith
*Higley
Hillyard, B.
Hillyard, F.
*Hoff
Kale
*Kaplan
*Katz, H.
Katz, M.
Katz, P.
Kaye
*Kraskin
King
Kossoff
Kraskin
Kristal
Lee
*Leese
Liebrand
MacDonald
Marshall
*McVearny
*Merielle
*Nelson
*Oberman
*Osterman
Parmet
Pearlman
Pels
*Perau
Pollack
*Rein
*Robbins
Rogers
Rose, D.
*Rose
Rubin
Samit
Scot (Scot Optical)
Siegel
Silver
Tabershaw
Teunis (see second photo)
*Thompson
Toman
Tyner
*Uhler (2)
*Wagenheim
*Weinstein
Witten

EXHIBIT "10"

In the Matter of the Application of ELIZABETH DICKSON and Others, Respondents, for a Peremptory Order of Mandamus against EDWARD J. FLYNN, as Secretary of State of the State of New York, Appellant, and OPTOMETRICAL SOCIETY OF THE CITY OF NEW YORK and Others, Interveners, Appellants.

THIRD DEPARTMENT, MARCH 5, 1936

Physicians and surgeons—optometrists—corporation may lawfully be organized to engage in sale of eyeglasses, spectacles and lenses at retail where certificate of incorporation specifically provides that duly qualified optometrists will be in charge of sales (Education Law, § 1432-a)—petitioners are entitled to peremptory order of mandamus directing Secretary of State to file and record such certificate on payment of proper tax and fees.

A corporation may lawfully be organized for the purpose of engaging in the sale of eyeglasses, spectacles and lenses at retail, under section 1432-a of the Education Law, where the certificate under which the corporation seeks to operate specifically provides that duly qualified optometrists will be in charge and in personal attendance at the booth, counters and places in the established stores of the corporation where such articles are sold. The business in which the corporation is to engage is the sale of eyeglasses, spectacles and lenses at retail and it does not become the practice of medicine or optometry by reason of the presence of a physician or optometrist.

Under the circumstances, the petitioners are entitled to a peremptory order of mandamus directing the Secretary of State to file and record petitioners' certificate of incorporation conditioned on the payment by them of the tax and fees therefor prescribed by law.

CRAPSER, J., dissents.

Separate appeals by the defendant and by the Optometrical Society of The City of New York and others, and by the New York State Optometric Association, Inc., from a peremptory mandamus order of the Supreme Court, entered in the office of the clerk of the county of Albany on the 21st day of September, 1935.

The direction, conditional upon payment by the petitioners of the tax and fees therefor prescribed by law, was the file and record the original certificate of incorporation of the "Four-Boro Optical Corp.," pursuant to article 2 of the Stock Corporation Law.