

## MINUTES

### NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING

September 21<sup>st</sup>, 2007  
Airport Plaza Hotel  
Piper Room  
1981 Terminal Way  
Reno, Nevada

A regular meeting of the Nevada Board of Optometry was called to order by Board Member, Brad C. Stewart, O.D., at 10:00 a.m. on September 21<sup>st</sup>, 2007, in the Piper Room of the Airport Plaza Hotel, 1981 Terminal Way, Reno, Nevada.

Present at the meeting were:

Brad C. Stewart, O.D., Board Member  
Jack Sutton, O.D., Board Member  
Geoffrey F. Chiara, O.D., Board Member  
Judi Kennedy, Executive Director  
Robert A. Whitney, Deputy Attorney General

Also present at the meeting were:

Dennis Belcourt, Deputy Attorney General  
Laura Holt Maloney, O.D.  
Michael Maloney  
Hal Taylor, Esq.  
Amel Y. Afifi, O.D.  
David J. Mortensen, Esq.  
Sheree Aston, O.D., MA, PhD  
Elizabeth Hoppe, O.D., MPH, DrPH  
Paul Johnson, O.D.

Dr. Stewart asked for public comment. There was no public comment.

The Board first considered Agenda Item 4, the Petition to Set Special Board Meeting and Lift Probationary Status of Amel Afifi, O.D.

David J. Mortensen, counsel for Dr. Afifi, addressed the Board regarding the probationary period that had been imposed. Mr. Mortensen outlined for the Board the extenuating circumstances that led to Dr. Afifi's failure to timely renew her license for the 2005-2006 license year. The reasons given by Mr. Mortensen included, but were not limited to, family illness, the construction of a building to house her practice, and the opening of her practice. There ensued an lengthy discussion between the members, Dr. Afifi, and Mr. Mortensen, of the Board's actions and the reasons therefor.

Dr. Afifi expressed remorse regarding her actions, or lack thereof, that led to the discipline imposed. Mr. Mortensen advised the Board his firm had been retained by Dr. Afifi to handle administrative duties, such as the renewal of her license. Additionally, Mr. Mortensen urged the Board to consider that Dr. Afifi had been timely in her renewals since the 2005-2006 license year. Dr. Chiara asked Dr. Afifi if she felt it was necessary to retain attorneys to perform administrative functions. Dr. Afifi responded she was doing so to express her sincerity.

Mr. Mortensen pointed out that had Dr. Afifi signed the stipulation as originally drafted, her probationary period would have ended effective May 6<sup>th</sup>, 2007. Dr. Sutton responded the extension of the probationary period as set forth in the second stipulation, which was signed by Dr. Afifi on October 11<sup>th</sup>, 2005, was a proximate result of her failure to sign the original stipulation. Dr. Stewart expressed his concern that there was no precedent for reducing a probationary period, and that he was hesitant to do so when it had not been done before.

After further discussion, Dr. Sutton moved Dr. Afifi's probationary period be terminated effective September 21<sup>st</sup>, 2007. Dr. Chiara seconded the motion. The vote was unanimous.

Agenda Item 5. Dr. Elizabeth Hoppe and Dr. Sheree Aston addressed the Board as representatives of Western University of Health Sciences. The Board discussed with, and asked

questions of Drs. Hoppe and Aston regarding issues such as the faculty, curriculum, accreditation, class size, and tuition. Dr. Hoppe advised the Board it was estimated the first entering class for the School of Optometry would enter in August, 2009. The Board was provided literature regarding the University. Dr. Stewart thanked the doctors for attending the meeting and addressing the Board.

The meeting recessed at 10:55 a.m. The meeting reconvened at 11:00 a.m.

Dr. Stewart opened the Formal Hearing in the matter of the Accusation of Judi D. Kennedy, as Executive Director vs. Laura Holt Maloney, O.D. at 11:05 a.m.

The Board heard opening statements of Robert Whitney, Deputy Attorney General for the Board, and Hal Taylor, Esq. as counsel for Laura Holt Maloney, O.D.

The Board heard the testimony of and questioned Ms. Kennedy, Dr. Maloney, and Dr. Johnson, who appeared as a witness for the Board.

Counsel for the Board and counsel for Dr. Maloney made closing statements.

The meeting recessed at 12:00 p.m.. The meeting reconvened at 12:10 p.m.

The Board found the advertisement complained of in the Accusation violated the provisions of NRS 636.302[2]; NAC 636.140; and NAC 636.190, and assessed an administrative fine in the amount of \$500 against Dr. Maloney.

The formal hearing was closed at 1:00 p.m.

Agenda Item 3. Dr. Chiara moved the minutes of the July 27<sup>th</sup>, 2007, regular meeting be approved as drafted. Dr. Sutton seconded the motion. The vote was unanimous.

Agenda Item 6. Ms. Kennedy presented the Board's budget for the 2007-08 fiscal year. Dr. Chiara moved the budget be approved as prepared. Dr. Sutton seconded the motion. The vote was unanimous.

Dr. Stewart asked for public comment. There was no public comment.

The Board confirmed a regular meeting had been scheduled for Friday, November 16<sup>th</sup>, 2007. The meeting will be held via telephone conference. The Board scheduled a regular meeting for Friday, January 25<sup>th</sup>, 2007, in Las Vegas.

Dr. Chiara moved the meeting adjourn. Dr. Sutton seconded the motion. The meeting adjourned at 1:15 p.m.