

MINUTES

NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING

March 21st, 2008
Office of the Nevada State Board of Optometry
1000 East William
Suite 109
Carson City, Nevada

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

A regular meeting of the Nevada Board of Optometry was called to order by Board President, Brad C. Stewart, O.D., at 8:00 a.m. on March 21st, 2008, at the office of the Board of Optometry, 1000 East William, Suite 109, Carson City, Nevada.

Identifying themselves as participating were:

Brad C. Stewart, O.D., Board President
Geoffrey Chiara, O.D., Board Member
Vincent Gassen, O.D., Board Member
Sherese Settlemeyer, Board Member
Robert Whitney, Deputy Attorney General

Participating and present at the Board office were:

Judi Kennedy, Executive Director
Van Tran, O.D.

Agenda Item 2. The Minutes of the Boards's January 21st, 2008, meeting were presented for approval. Ms. Kennedy pointed out she had incorrectly identified Ms.

Settelmeyer as an O.D. in the draft minutes. That correction made, Dr. Chiara moved the Minutes be approved as drafted. Ms. Settelmeyer seconded the motion. The vote was unanimous.

Agenda Item 4. The Accusation of Judi D. Kennedy, as Executive Director vs. Van Tran, O.D. Dr. Stewart recapped the events leading to the appearance of Dr. Tran in response to the Subpoena served upon her requiring she attend the meeting. Dr. Tran had failed to file an answer to the complaint, and had failed to file an answer to the accusation subsequently filed. Dr. Tran stated she had not completely read the Accusation, and had therefore not submitted the proposed administrative fine to dispose of the accusation. Dr. Stewart explained to Dr. Tran that although the violation which led to the filing of the complaint was minor, the Board was charged with enforcing the laws governing the practice of optometry in the State. Dr. Tran offered further explanations regarding her failure to respond. Ms. Settelmeyer asked Dr. Tran if she had considered calling the Board office to inquire about the status of the case against her. Dr. Tran replied in the negative. After further discussion, Dr. Gassen moved an administrative fine in the amount of \$1,000 be assessed. Ms. Settelmeyer seconded the motion. The vote was unanimous.

Agenda Item 3. The Complaint of Judi D. Kennedy, as Executive Director vs. Scott B. Wayment, O.D. The Board discussed the time frame involved in Dr. Wayment's execution of an operating agreement and his request for an advisory opinion from the Board. The Board found the complaint to have merit in that Dr. Wayment had not only

failed to properly and timely register his fictitious name with the Board, he was a party to an operating agreement the Board had found to be in violation of the provisions of Chapter 636 of the Nevada Revised Statutes and the Nevada Administrative Code. Dr. Chiara moved a formal accusation be filed against Dr. Wayment. Dr. Gassen seconded the motion. During further discussion it was determined a \$5,000 fine and legal fees in the amount of \$600 should be requested in the accusation. The vote was unanimous.

Agenda Item 5. The Complaint of Jennifer A. Berringer vs. Brian R. Benitz, O.D. The Board noted Dr. Benitz had refunded to Ms. Berringer the total amount she had paid for the glasses which she found unsatisfactory, and which led to the filing of the complaint. Dr. Gassen moved the complaint be dismissed based on resolution. Dr. Chiara seconded the motion. The vote was unanimous.

Agenda Item 6. The Accusation of Judi D. Kennedy, as Executive Director vs. David P. Yesnick, O.D. The Board reviewed the accusation and Dr. Yesnick's response thereto. After discussion, Dr. Chiara moved the accusation be dismissed based on resolution and the payment of the proposed \$500 administrative fine. Ms. Settelmeyer seconded the motion. The vote was unanimous.

Agenda Item 7. Ms. Kennedy asked if the Board had questions relating to the prepared accounting of current balances in the Board's accounts, the status of the license renewals for the 2008-2009 license year, or the pending applications. There were no questions. Dr. Chiara moved the Executive Director be given a \$9,000 bonus and a 4% cost

of living salary increase. Dr. Gassen seconded the motion. The vote was unanimous.

The Board set a regular meeting for May 16th, 2008, in Reno. The Board scheduled a meeting to be held via telephone conference for July 18th, 2008.

Dr. Chiara moved the meeting adjourn. Dr. Gassen seconded the motion. The vote was unanimous. The meeting adjourned at 8:50 a.m.

