

MINUTES

NEVADA STATE BOARD OF OPTOMETRY
REGULAR MEETING

January 27th, 2012

Marriott Courtyard Las Vegas Convention Center
Room A
3275 Paradise Road
Las Vegas, Nevada

A regular meeting of the Nevada State Board of Optometry was called to order by Board President, Geoffrey F. Chiara, O.D., at 10:10 a.m. on January 27th, 2012, in Room A of the Marriott Courtyard Las Vegas Convention Center, 3275 Paradise Road, Las Vegas, Nevada.

Present were:

Geoffrey F. Chiara, O.D., Board President
Vincent A. Gassen, O.D., Board Member
William F. Harvey, O.D., Board Member
Sherese Settlemeyer, Board Member
Judi D. Kennedy, Executive Director
Louis Ling, Esq., Board Counsel
Sophia G. Long, Deputy Attorney General
Tammy Breed, RPR Sunshine Litigation Services
David P. Yesnick, O.D.
Jacob Hafter, Esq.
Susan Appelzoller
Tyler Appelzoller

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

Agenda Item 2. The Minutes of the Board's November 11th, 2011, regular meeting were presented for approval.

Dr. Gassen moved the Minutes be approved as drafted. Ms. Settlemeyer seconded the motion. The vote was unanimous.

Agenda Item 3. Accusation of Judi D. Kennedy, as Executive Director vs. David P. Yesnick, O.D., License No. 335, Case No. 11-02.

Dr. Chiara noted for the record that a Motion for Summary Judgment had been filed by Jacob Hafter, Esq., on behalf of Dr. Yesnick. After discussion, Dr. Chiara granted Mr. Hafter's request that Susan and Tyler Appelzoller leave the room during the presentation of legal arguments in support of, and against the Motion for Summary Judgment. At the conclusion of the legal arguments, Ms. Settelmeier moved the Motion for Summary Judgment be denied. Dr. Harvey seconded the motion. The vote was unanimous.

Dr. Chiara opened the Formal Hearing in Case No. 11-02, Accusation of Judi D. Kennedy, as Executive Director vs. David P. Yesnick, O.D.

Susan Appelzoller was called, and sworn in as a witness. Ms. Appelzoller offered direct testimony, responded to questions under cross-examination by Mr. Hafter, and responded to questions posed by the Board.

Tyler Appelzoller was called, and sworn in as a witness. Mr. Appelzoller offered direct testimony, responded to questions under cross-examination by Mr. Hafter, and responded to questions posed by the Board.

David P. Yesnick, O.D. was called, and sworn in as a witness. Dr. Yesnick offered direct testimony. During cross-examination, and following numerous exchanges between counsel for the parties, Mr. Hafter directed Dr. Yesnick to leave the room.

Following protracted discussions between counsel for the parties and the Board, Dr. Gassen suggested the hearing be continued. There was discussion regarding the date and location of the Board's next regular meeting. Dr. Gassen moved the proceedings be stopped and continued to another date. Ms. Settelmeier seconded the motion. The vote was unanimous. The hearing concluded at 3:05 p.m.

Following the conclusion of the hearing, and after further conversations, it was determined the hearing would

reconvene on Friday, May 25th, 2012, at 10:00 a.m. in Las Vegas. It was further agreed that Mr. Ling, at that time, would continue his cross-examination.

Agenda Item 5. Application for Licensure as a Doctor of Optometry submitted by Dr. Jennifer A. Jensen.

The Board reviewed, and discussed the application submitted by Dr. Jensen. The Board noted that Dr. Jensen had been disciplined by the Board in January, 2011, and that her license had been revoked. The Board determined that Dr. Jensen had failed to pay the administrative fine, and the fees and costs assessed against her in the prior disciplinary case. Dr. Gassen moved the application be denied. Dr. Harvey seconded the motion. The vote was unanimous. Ms. Kennedy was directed to return the application and the fee submitted by Dr. Jensen, and to send a letter advising her of the Board's decision.

Dr. Chiara asked for public comment. There was none.

Dr. Harvey moved the meeting adjourn. Ms. Settelmeyer seconded the motion. The meeting adjourned at 3:15 p.m.