



**STATE OF NEVADA**  
**BOARD OF DISPENSING OPTICIANS**

5565 Wedgewood Circle, Sparks, NV 89436-3716 • Telephone 775 / 853-1421 • Fax 775 / 853-1408  
Email: [nvbdo@govmail.state.nv.us](mailto:nvbdo@govmail.state.nv.us) • Website: [www.opticalboard.state.nv.us](http://www.opticalboard.state.nv.us)

**Minutes of Board Meeting**

June 13, 2012

**BOARD MEMBERS**

*President*  
Daniel Harris

*Vice President*  
Josh Wasson

*Secretary*  
Cheryl Mosser

*Treasurer*  
Tamara Sternod

*Public Member*  
Fred Lokken

**BOARD STAFF**

*Executive Director*  
Cindy Kimball

The Regular Meeting of the Nevada Board of Dispensing Opticians was called to order by President Danny Harris at 7:03 p.m. on Wednesday, June 13, 2012, at the Hyatt Place Las Vegas, 4520 S. Paradise Road, Las Vegas, Nevada 89169

**Members Present**

Danny Harris, President  
Josh Wasson, Vice President  
Tamara Sternod, Treasurer  
Fred Lokken, Public Member

**Members Absent**

Cheryl Mosser, Secretary

**Others Present**

Sarah Bradley, Deputy Attorney General, Board Counsel  
Rose Marie Reynolds, Deputy Attorney General  
Cindy Kimball, Executive Director

1. **Call to Order:** President Danny Harris called the meeting to order at 7:03 p.m.
2. **Public Comment:** Carole Neel expressed her appreciation for the executive director's helpfulness in working with LensCrafters in southern Nevada.
3. **Approval of Board meeting minutes:**
  - A. Board Meeting April 11, 2012. Fred Lokken moved to approve. Josh Wasson seconded. Motion carried unanimously.
4. **Executive director's report:**
  - A. Progress on FY12 Goals and Objectives: Cindy Kimball reviewed progress for the period of April through May, including submission of additional proposed regulation changes for drafting, filing new complaint with the FDA regarding wholesaler of illegal cosmetic contact lenses, and establishing partnerships with the city of Fernley and Nevada Attorney General's tobacco enforcement program regarding illegal cosmetic contact lens retailers.
  - B. Proposed FY13 Goals and Objectives: Cindy Kimball reviewed the proposed goals and objectives, including objectives under five major goals: (1) Continue to ensure Board is carrying out its mission effectively and in compliance with all relevant statutes and regulations; (2) Continue to increase licensee awareness of and compliance with laws and regulations; (3) Continue to increase public awareness of Board and its mission of protecting the public's health, safety, and welfare; (4) Continue to keep abreast of local, state, and national issues relating to the regulation and field of opticianry; and (5) Work to ensure Board's interests are protected during 2013 Legislative Session. Fred Lokken moved to approve. Josh Wasson seconded. Motion carried unanimously.

5. **Discussion and decision on executive director's performance evaluation:** Danny Harris presented the formal evaluation conducted on the executive director's FY12 performance, briefly summarized her significant accomplishments, stating her performance was excellent and had exceeded expectations in all but two categories, where she met expectations. He requested Board member input and suggestions for changes. Discussion ensued, with no suggestions for changes, and a request the Board be afforded the opportunity to provide written input to the Board president in advance of the executive director's FY13 performance evaluation. Fred Lokken moved to approve. Josh Wasson seconded. Motion carried unanimously.
6. **Discussion and decision on enrolling Board in Public Employees' Benefit Program:** Danny Harris presented a proposal to enroll the Board in the State of Nevada's Public Employees' Benefit Program (PEBP) in recognition of the executive director's performance, and in lieu of merit and cost-of-living increases. Tamara Sternod presented formal objections to the proposal, stating that as Board treasurer, she was concerned about the large increase in the personnel budget from the time the executive director was hired in 2010, which she estimated was from about 20 percent to almost 50 percent of total expenses. She added that if the Board accepted the proposal to provide the executive director with state-funded health insurance, it would set a trend for large annual increases in the personnel budget when the rest of the state and private sector were taking cuts in pay and benefits. She presented an alternate proposal for a small increase in wages and reimbursement for a private catastrophic health insurance plan premium. In response to a question by Josh Wasson, Cindy Kimball confirmed that in addition to the employer portion, the employee was also required to pay a monthly premium for PEBP coverage. Josh Wasson asked if the legislature would look negatively on such a large increase in the personnel budget over two years. Fred Lokken stated that personnel costs were usually a much larger portion of the overall budget for any service-related organization such as the Board, which he estimated is usually about 75 percent and often higher. He said providing typical employee benefits to the Board's executive director would help in both employee retention and recruitment. He added that providing state health insurance was another logical step in the Board's efforts over the past four years to bring the position in line with current market conditions and Board expectations of employee performance, skills, knowledge, and ability. He further stated the proposed increases were offset by cost savings, and looked affordable for the foreseeable future. Fred Lokken moved to approve proposal. Josh Wasson seconded, with a friendly amendment to annually review the affordability of providing PEBP to the executive director. Fred Lokken accepted the friendly amendment. Tamara Sternod opposed. Motion carried 3-1-0.
7. **Financials:**
  - A. Review and approval of April and May financial statements: Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously.
  - B. Review and decision on FY11/12 budget: Cindy Kimball noted that she and Tamara Sternod projected that the final expenses would come in \$8,333 under budget for the fiscal year.
  - C. Review and approval of FY12/13 budget: Cindy Kimball said she and Tamara Sternod met to project income and estimate expenses for FY12/13. She added their income projections were conservative and projected a very slight increase, while the budget for projected expenses allowed for unexpected contingencies. Regarding the audit line item, Fred Lokken mentioned that in future years, the Board should consider conducting a biennial audit, rather than annual. Fred Lokken moved to approve. Josh Wasson seconded. Motion carried unanimously.
8. **Review and decision on apprentice applications:**

Kris Allen, Stacy Clinkscales, Steven Dolder, Cristobal Esparza, Eli Jenkinson, Ciara LeBard, Alyda Larson, Elisabeth Lopez, Daniela Seiciuc, Raymond Strohm, Yasser Torres Vargas, Lance Yates

Kris Allen. Not present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously. Stacy Clinkscales. Not present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously. Steven Dolder. Not present. Fred Lokken moved to approve. Josh Wasson seconded. Motion carried unanimously. Cristobal Esparza. Not present. Josh Wasson moved to approve. Tamara Sternod seconded. Motion carried unanimously. Eli Jenkinson. Not present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously. Ciara LeBard. Not present. Tamara Sternod moved to approve. Josh Wasson seconded. Motion carried unanimously. Alyda Larson. Not present. Tamara moved to approve and to grant two years' credit for prior experience. Josh Wasson seconded. Motion carried unanimously. Elisabeth Lopez. Not present. Tamara Sternod moved to approve. Josh Wasson seconded. Motion carried unanimously. Daniela Seiciuc. Not present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously. Raymond Strohm. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. Yasser Torres Vargas. Not present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously. Lance Yates. Not present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously.

**9. Review and decision on request to grant credit for prior experience:**

Raymond Go. Not present. Tamara Sternod moved to approve request to grant credit for three years' prior apprenticeship experience. Fred Lokken seconded. Motion carried unanimously.

**10. Review and decision on optician applications:**

Nathalie Rosado. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously.

**11. Review and decision to waive examination requirement under NRS 637.110(3) and Executive Order 2012-11 and grant permanent licensure to military spouse:**

Milagros Gonzalez Alvarez. Not present. Sarah Bradley reviewed the law and Nevada Governor Brian Sandoval's executive order. Fred Lokken moved to waive examination requirement under NRS 637.110(3) and Executive Order 2012-11 and grant permanent licensure. Josh Wasson seconded. Motion carried unanimously.

**12. Disciplinary hearings:**

Case No. 2011-09 Q Mall Indoor Swap Meet and Elsy's Alterations.

Q Mall Indoor Swap Meet, Kae H. Lee, Owner. Respondent was not present. Sarah Bradley described, and requested the Board approve, a Stipulated Settlement Agreement in which the respondent agreed that Q Mall Indoor Swap Meet engaged in and/or allowed ophthalmic dispensing without an active and/or valid license, and/or employed unlicensed individuals to engage in ophthalmic dispensing, which are violations of NRS 637.181 and NRS 637.125, respectively. Ms. Bradley stated that if approved by the Board, the respondent agrees to a Cease and Desist Order; to send all its vendors and/or tenants written notification that all unlicensed ophthalmic dispensing, including sale of cosmetic contact lenses, must stop immediately; and to reimburse the Board \$370.69, the amount of one-half its costs related to the matter. Fred Lokken disclosed that he acted in the role of investigating Board member inasmuch as he assisted the executive director and the deputy attorney general in the development of terms of the settlement, and would abstain from discussing or deciding the matter. Josh Wasson moved to approve the Stipulated Settlement Agreement in Case No. 2011-09, Q Mall Indoor Swap Meet, Kae H. Lee, owner. Tamara Sternod seconded. Motion carried 3-0-1.

Elsy's Alterations, Elsy S. Zamora, Owner. Respondent was not present. Sarah Bradley presented the case. Fred Lokken disclosed that he acted in the role of investigating Board member inasmuch

as he assisted the executive director and the deputy attorney general in the development of terms of the settlement, and would abstain from discussing or deciding the matter. Tamara Sternod moved that the alleged facts were proven. Josh Wasson seconded. Motion carried 3-0-1. Josh Wasson moved that violations of NRS 637.181 and/or 637.125 were proven. Tamara Sternod seconded. Motion carried 3-0-1. Josh Wasson moved to order respondent reimburse the Board \$370.69, the amount of one-half its costs related to the matter; to fine the respondent \$1,000; and to issue a Cease and Desist Order. Tamara Sternod seconded. Motion carried 3-0-1. Tamara Sternod moved that respondent contact the Board within 30 days of receipt of the order with full payment or to arrange a written payment plan for full payment within 180 days of the Order. She further moved that the Board will institute collection and recovery actions against the respondent if she fails to pay the assessed costs within 180 days of the date of the Board's Order. Josh Wasson seconded. Motion carried 3-0-1.

Case No. 2011-10 Bonanza Swap Meet, John Safi, President, Billy Kim, Manager. Respondent was not present. Sarah Bradley described, and requested the Board approve, a Stipulated Settlement Agreement in which the respondent agreed that Bonanza Swap Meet engaged in and/or allowed ophthalmic dispensing without an active and/or valid license, and/or employed unlicensed individuals to engage in ophthalmic dispensing, which are violations of NRS 637.181 and NRS 637.125, respectively. Ms. Bradley stated that if approved by the Board, the respondent agrees to a Cease and Desist Order and to reimburse the Board \$219.09, a portion of its costs related to the matter. Fred Lokken disclosed that he acted in the role of investigating Board member inasmuch as he assisted the executive director and the deputy attorney general in the development of terms of the settlement and would abstain from discussing or deciding the matter. Tamara Sternod moved to approve the Stipulated Settlement Agreement in Case No. 2011-10, Bonanza Swap Meet, John Safi, President, Billy Kim, Manager. Josh Wasson seconded. Motion carried 3-0-1.

Case No. 2012-01 Denise Darling. Former apprentice license #1039, current apprentice license #1123. Respondent was not present. Ms. Bradley described, and requested the Board approve, a Stipulated Settlement Agreement in which respondent agreed that she practiced ophthalmic dispensing without an active and/or valid apprentice license, which is a violation of NRS 637.090 and NAC 637.140 practicing without active license, and NRS 637.150(1)(l) unethical or unprofessional conduct; and agreed to failed to notify the Board regarding her change in supervisor in a timely manner, and provided incorrect and/or outdated information to the Board in a renewal application, which are violations of NAC 637.280 and NAC 637.260(2). Ms. Bradley stated that if approved by the Board, respondent agrees to a Public Reprimand; passing a Nevada Law and Ethics examination; and to reimburse the Board \$150, a portion of the Board's costs related to the matter. Josh Wasson disclosed he acted in the role of investigating Board member inasmuch as he assisted the executive director and the deputy attorney general in the development the terms of the settlement, and would abstain from discussing or deciding the matter. Fred Lokken moved to approve the Stipulated Settlement Agreement in Case No. 2012-01 Denise Darling. Josh Wasson seconded. Motion carried 3-0-1.

Case No. 2012-02 Eyeglass World, 3350 E. Tropicana Avenue, Las Vegas, Nevada. Respondent was not present. Ms. Bradley described, and requested the Board approve, a Stipulated Settlement Agreement in which respondent agreed it engaged in the practice of ophthalmic dispensing without a license, which is a violation NRS 637.090 and/or NRS 637.125; and directed and/or allowed an employee without an active apprentice dispensing optician license and/or dispensing optician license to perform the services of a dispensing optician, which is a violation of NRS 637.125. Ms. Bradley stated that if approved by the Board, respondent agrees to an administrative fine of \$1,000

and to reimburse the Board \$730.20 for its staff and attorney costs related to the matter. Fred Lokken moved to approve the Stipulated Settlement Agreement in Case No. 2012-02, Eyeglass World, 3350 E. Tropicana Avenue, Las Vegas, Nevada. Tamara Sternod seconded. Motion carried 3-0-1.

- 13. Discussion and decision regarding proposed revisions to state exam review procedure:** Cindy Kimball described the proposed revisions, which would allow a review to be monitored by the executive director and a Board member, as a cost-savings measure that would also allow for more flexibility in scheduling. Board members discussed other methods that would achieve the same purpose, including conducting reviews via videoconferencing. The Board directed the policy remain unchanged.
- 14. Review of complaints 2012-03, 2012-04, 2012-05:** Cindy Kimball reviewed the complaints, which allege unlicensed ophthalmic dispensing.
- 15. Discussion and decision regarding revising NAC 637.295 to better align with NAC 637.287 and provide clarity regarding under what circumstances continuing education is required for apprentice license renewal:** Cindy Kimball stated Danny Harris, Sarah Bradley, and she were recommending revising NAC 637.295. The proposed revisions recognize that continuing education is no substitute for the orderly progress required by NAC 637.287 and provide clarity regarding under what circumstances continuing education is required for apprentice license renewal. Tamara Sternod moved to approve the proposed revisions to NAC 637.295. Fred Lokken seconded. Motion carried unanimously.
- 16. Future meetings and agenda items:** There was no business under this item.
- 17. Public Comment:** None.
- 18. Adjournment:** President Danny Harris adjourned the meeting at 10:02 p.m.