

LOUISIANA STATE BOARD OF OPTOMETRY EXAMINERS

Holiday Inn - Downtown, Alexandria, LA

MINUTES - OCTOBER 29, 2021

I. Roll Call/Call to Order

The roll was called at 3:30pm with present: Drs. Avallone, Anastasio, Gerdes, Sandefur, Mr. Dale Benoit. Declaring a quorum was present, Dr. Anastasio called the meeting to order.

II. Adoption of Agenda

The agenda was adopted upon motion Gerdes/Benoit. Unanimous.

III. Approval of Minutes from September 10, 2021 Meeting

The minutes of the September 10 meeting were adopted with as amended upon motion by Sandefur/Benoit. Unanimous.

IV. Secretary's Report

Finance & Budget Report

Dr. Avallone presented a financial report including a P&L statement, Balance Sheet and a Budget report for current year 2021 and a draft budget for 2022.

License Activity

Renewals will begin in November when ARBO provides the first CE verification report.

No license retirements to report

Inactive – 2 requests to go Inactive next year - Weil & Erneston

Unanimously approved by the board

Hardship cases – Fountain and Gilcrease – tabled until year end

Endorsement – 1 application, Dr. Selvin Gnanakkan, will complete process, pay fee and seek approval

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Motion by Anastasio/Gerdes to enter Executive Session at 4:02pm. Unanimous.

Adjourned Executive Session at 5:02pm

Following the Executive session, the following action was taken

On motion of Dr. Gary Avallone and seconded by Mr. Dale Benoit, the resolution below was **considered** and **failed to pass with a vote of 2 Yeas, 3 Nays** with Dr. Avallone and Mr. Benoit voting yes, Drs. Jeff Anastasio, Gerry Gerdes and James Sandefur voting NO and member Dr. Chris Wroten absent and not voting.

A **resolution** by the Louisiana State Board of Optometry Examiners (LSBOE) authorizing actions to restore confidence, integrity, and honesty to its mission and function to license and oversee the laws, rules and regulations governing the practice of optometry in the State of Louisiana, and its fiduciary responsibility to account for public funds derived in the licensing of optometrist.

WHEREAS, numerous failures have occurred on the part of the LSBOE board and its former secretary, Dr. James Sandefur, to properly follow the regulatory reporting requirements of the State of Louisiana, the Legislature's oversight committees and State auditing agencies; and

WHEREAS, there are few verifying records of the board dealing with financial accountability; and

WHEREAS, thousands of dollars of public money has been expended to support expenses of private entities including salaries, rents, utilities, and equipment of the Optometry Association of Louisiana (OAL); and the OAL has been the chief beneficiary of the co-mingling of public and private funds and has amassed a surplus of hundreds of thousands of dollars while the LSBOE

board was told in recent past by Dr. Sandefur that operational expenses of the LSBOE were exceeding revenues, while the private OAL was benefitting from their expenses being paid by the LSBOE's public funds with a direct conflict of interest by Dr. Sandefur serving as Secretary of the public LSBOE and Executive Director of the private OAL; and

WHEREAS, Dr. Sandefur fraudulently renewed his own license for at least seven years without completing the required hours of continuing education deeming his licensed null and void and therefore disqualifying himself from the ability to serve on the board or serve as its secretary;

THEREFORE BE IT RESOLVED, that the LSBOE does hereby call for the resignation or removal of Dr. James Sandefur from the Louisiana State Board of Optometry Examiners; and

BE IT FURTHER RESOLVED, that the LSBOE does direct and authorize its secretary Dr. Gary Avallone to solicit proposals from qualified accounting firms or State auditing agencies to conduct a forensic audit of all records and bank accounts of the LSBOE for the past seven years to quantify the amount of funds which might have benefitted entities or organizations separate from the LSBOE through the paying of expenses and costs of services not directly related to the LSBOE, and any discrepancies in funds trusted to Dr. Sandefur and the LSBOE; and

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BE IT FURTHER RESOLVED, that the secretary of the LSBOE is directed and authorized to request removal of Dr. James Sandefur from the LSBOE under the provision of RS 37: 1044 by sending a certified copy of this resolution to Governor John Bel Edwards, the appointing authority for the LSBOE members, to State Senate President Page Cortez, the confirming authority for board appointments, Fred Mills, Chairman of Senate Health Committee, Larry Bagley, Chairman of the House Health and Welfare Committee, and Louisiana Legislative Auditor Michael J. Waguespack, the financial compliance authority of state public funds to demonstrate that the current board of directors of the LSBOE want all improper management of the LSBOE and its former officers and employees identified, individuals held accountable and a clean slate created moving forward.

Motion by Benoit/Anastasio to hold a formal hearing on the license status of Dr. James Sandefur at a date TBD PASSED 4 to 0, with Anastasio, Avallone, Benoit & Gerdes voting yea, Sandefur abstained from voting

V. State Audit Update

Audit still in progress, Auditor asking for more financial information, Dr Avallone is providing all available information.

VI. ABC Complaint/Secret Shopper

Dr. Anastasio reports board attorney has no update.

VII. Barthelemy's Optical

Dr. Anastasio reports board attorney has no update

VIII. Inactive License serving on LSBOE

Dr. Anastasio reports board attorney has no update.

IX. Division of Administration Update

Dr. Avallone reports he has access to the Boards & Commissions website as of 10:00am this morning.

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X. Telehealth Rules Promulgation Update

Dr. Anastasio reports board attorney has no update.

XI. Myopia management as a TPA approved topic

Discussion was held – no action taken

XII. Mask Mandate

Discussion was held about giving some guidance to licensees regarding the wearing of mask in private optometric clinics and offices – no action taken

XIII. Next Meeting

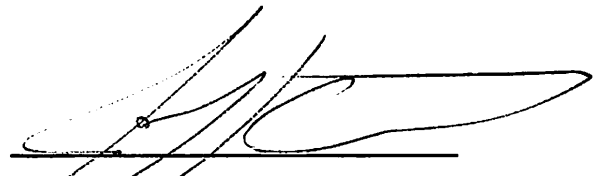
TBD

Motion by Benoit/Gerdes to Adjourn – Passed Unanimously

Adjourn – 5:56pm



Gary Avallone, O.D., Secretary



Jeffrey Anastasio, O.D., President