

**Minutes of Meeting of the Louisiana State Board of Optometry Examiners
(June 24, 2022)**

(VOIDABLE FOR LACK OF NOTICE; ALL ACTIONS RATIFIED ON JULY 12, 2022)

The following are the minutes of the meeting of the Louisiana State Board of Optometry Examiners (“LSBOE”) held on June 24, 2022, commencing at 10:00 a.m. following the adjournment of the Annual Meeting of the LSBOE conducted prior to the meeting at 9:30 a.m. *During the course of this meeting, it was learned that the agenda for the meeting had not been posted 24 hours in advance of the meeting. Upon the recommendation counsel for the Board, the meeting was concluded and any actions taken prior to discovery of the lack of notice were considered voidable and the meeting was rescheduled to July 12, 2022, following proper notice and posting as required by the Open Meetings Law, in order to ratify the actions taken and to continue with the other items on the agenda. Accordingly, the minutes below are for purposes of documenting the meeting only, but the actions taken therein were adopted and ratified at the July 12, 2022, meeting.*

Board members in attendance were:

Jeff Anastasio, O.D.
Chris Wroten, O.D.
Jerry Gerdes, O.D.
David Heitmeier, O.D.
Dale Benoit

Others in attendance were:

Gary Avallone, O.D. (by videoconference; not counted as present or towards the quorum)
A.J. Herbert, Counsel for the LSBOE
Nicole Simmons, Legal Assistant to A.J. Herbert, for the purpose of taking the minutes
Those members of the public listed on the guest sign-in register

A quorum being present, the Chairman called the meeting to order at 10:04 a.m.

Dr. Heitmeier moved for approval of the minutes of the May 6, 2022, meeting. The motion was seconded by Dr. Gerdes and approved unanimously by those in attendance. Dr. Wroten noted that no actions were taken during the executive session of the May 6, 2022, meeting.

Dr. Anastasio moved for approval to take items on the agenda out of order so that all items to be heard in executive session could be done so at the same time. Dr. Heitmeier seconded the motion, and the motion was passed without objection.

A question was posed by a member of the audience, Amanda Hickman, O.D. with the OAL, who noted that the agenda for neither the board meeting nor the annual meeting which had preceded the board meeting had been posted on the web site prior to the meeting. Dr. Avallone noted that it was his understanding that the notices of the meetings was required to be posted 24 hours prior to the meetings but that the agendas were not required to be posted prior to the meeting.

Mr. Herbert advised the Board that it was his opinion that the Open Meetings Law requires the posting of the agendas as well as the notices of the meeting 24 hours in advance and absent compliance with those requirements, the Board could not lawfully take any action, and that those votes already taken at the board meeting were void. In addition, Mr. Herbert had advised that the actions taken at the Annual Meeting which preceded the board meeting were also voidable and would need to be re-noticed so the actions could be ratified. Mr. Herbert recommended that the Board adjourn the board meeting and reconvene at a later date to conduct the Annual Meeting and the meeting of the Board after proper notice of the meetings and the agendas are posted in accordance with the Open Meetings Law, so that any actions taken at those meetings could be ratified. After discussion, the Board agreed that they could have a quorum on July 12 and that the Annual Meeting and the meeting of the Board of the LSBOE would be called for July 12, 2022, at 9:30 a.m.

Attest:

Gary Avallone, O.D.
Secretary/Treasurer