

**VIRGINIA BOARD OF OPTOMETRY
FORMAL HEARING MINUTES
DEPARTMENT OF HEALTH PROFESSIONS
BOARD ROOM 2
HENRICO, VA
August 15, 2017**

CALL TO ORDER: The meeting of the Virginia Board of Optometry (Board) was called to order at 9:20 a.m., on August 15, 2017, at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia.

PRESIDING OFFICER: Steven A. Linas, O.D., Chairperson

MEMBERS PRESENT: Devon Cabot, Citizen Member
Helene Clayton-Jeter, O.D.
Fred E. Goldberg, O.D.

MEMBERS EXCUSED: Lisa G. Wallace-Davis, O.D.
Clifford A. Roffis, O.D.

QUORUM: With four members of the Board present, a quorum was established.

STAFF PRESENT: Leslie L. Knachel, Executive Director
Amanda E. M. Blount, Deputy Executive Director
Terri H. Behr, Discipline/Compliance Specialist

BOARD COUNSEL: Charis A. Mitchell, Assistant Attorney General

COURT REPORTER: Juan Ortega, Crane-Snead & Associates, Inc.

PARTIES ON BEHALF OF THE COMMONWEALTH: James E. Schliessmann, Senior Assistant Attorney General
Emily E. Tatum, Adjudication Specialist

MATTER SCHEDULED: **Diana Thao Tran, O.D.**
License No.: 0618-001343
Case Nos.: 154934, 155012, 158304, 160741, 163385, 168725, 170737 & 172595

The first and second day of this hearing took place on June 5, 2017 and June 12, 2017, wherein the panel

received testimony from various witnesses for the Commonwealth, Dr. Tran, and an expert witness called by Dr. Tran. On June 12, 2017, by agreement of all parties, the hearing was recessed and was to be scheduled to reconvene on another day for the Board's deliberation and to announce the Board's decision. Dr. Tran and her counsel, Robert Harrison Gibbs, Jr., Esquire, did not appear.

CLOSED SESSION:

Ms. Cabot moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code") for the purpose of deliberation to reach a decision in the matter of **Diana Thao Tran, O.D.**, Additionally, she moved that Ms. Knachel and Ms. Mitchell attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENE:

Ms. Cabot moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

DECISION:

Ms. Cabot moved to issue an Order Reprimanding Dr. Tran and imposing a \$25,000.00 monetary penalty. Ms. Cabot also moved that Dr. Tran be placed on probation for no less than three years, with certain terms and conditions.

Following a second, a roll call vote was taken. The motion passed unanimously.

ADJOURNMENT:

The Formal Hearing adjourned at 2:24 p.m.

Leslie L. Knachel, M.P.H., Executive Director