

BEFORE THE
OREGON BOARD OF OPTOMETRY
STATE OF OREGON

In the Matter of the License of:

NORMAN J. REISS, O.D.,

FINAL ORDER

THIS MATTER came before the Oregon Board of Optometry for hearing on Friday, December 10, 1999, at the Oregon Board of Optometry, 3218 Pringle Road SE, Salem, Oregon, to consider whether the optometric license of Norman J. Reiss, O.D. (Dr. Reiss) should be revoked for violations of ORS 683-140(1) and (3), and OAR 852-010-027(1)(11)(15) and (16).

The Board was represented by Thomas W. Cowan, Assistant Attorney General. Dr. Reiss was represented by attorney Doug Berg. The Board heard testimony from Dr. Reiss, Cathy Boudreau, Pam Shelton and Tracy Burk. The Board's exhibit numbers 1 through 6 were offered and received into evidence; Dr. Reiss' exhibit numbers 101 - 103 were offered and received into evidence.

After reviewing the evidence and hearing the testimony, the Board makes the following findings of fact:

FINDINGS OF FACT

1. Dr. Reiss is licensed to practice optometry in the State of Oregon.
2. On October 8, 1998, the Board became aware that Dr. Reiss had been convicted in Polk County of the crime of public indecency, on or about September 15, 1998.
3. Two witnesses to Dr. Reiss' action leading to his conviction of public indecency were optometric patients of Dr. Reiss.
4. On December 14, 1998, Dr. Reiss and the Board entered an interim stipulated order prohibiting Dr. Reiss from performing optometric examinations unless accompanied by a chaperone.
5. On or about October 4, 1999, the Board learned that Dr. Reiss was in fact performing optometric examinations on patients without a chaperone present.

CONCLUSIONS OF LAW

1 Based upon the foregoing Findings of Fact, the Board finds Dr. Reiss to be in violation of ORS
2 683.140(1) and (3), and OR 852-010-027(1)(11)(15) and (16)(a).

3 **RATIONALE**

4 Dr. Reiss was found guilty of the misdemeanor offense of public indecency. Dr. Reiss plead no
5 contest to the charges. The fact that Dr. Reiss was masturbating in public is aggravated by the
6 involvement of two young female patients. The Board finds Dr. Reiss' statements to the police and the
7 Board regarding the presence of young female witnesses to be inconsistent and inconclusive. Moreover,
8 when the Board learned of his conviction, Dr. Reiss entered into an interim stipulated order with the
9 Board until its investigation was completed. In the stipulated order, Dr. Reiss agreed that he would not
10 perform any optometric examinations without being accompanied by a chaperone. Dr. Reiss' failure to
11 comply with the chaperone provision of the stipulation was a dishonest attempt to deceive the Board in its
12 investigation of this matter.

13 **ORDER**

14 IT IS HEREBY ORDERED that the optometric license of Dr. Norman J. Reiss is revoked
15 effective immediately. However, Dr. Reiss' office may remain open for 10 days to dispense eyewear,
16 forward records, and otherwise orderly close his practice.

17 DATED THIS 10th day of January, 2000.

18 OREGON BOARD OF OPTOMETRY
19 State of Oregon

20 *David Plunkett*

21 _____
22 David W. Plunkett, Executive Director

23 **NOTICE:** You are entitled to judicial review of this Final Order pursuant to the provisions of ORS
24 183.480. Judicial review may be obtained by filing a petition in the Oregon Court of Appeals. The
25 petition must be filed within 60 days from the date of service of this Final Order.
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