

IN THE MATTER OF	*	BEFORE THE
ACE FOSTER ARMANI, I, O.D.	*	MARYLAND STATE
Respondent	*	BOARD OF EXAMINERS
	*	IN OPTOMETRY
License Number: DA2032	*	Case Number: 2019-001

* * * * *

**ORDER FOR SUMMARY SUSPENSION OF LICENSE
TO PRACTICE OPTOMETRY**

The Maryland State Board of Examiners in Optometry (the "Board") hereby **SUMMARILY SUSPENDS** the license of **ACE FOSTER ARMANI, I, O.D.** (the "Respondent"), License Number DA2032, to practice optometry in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov't ("State Gov't") § 10-226(c)(2)(2014 Repl. Vol.), concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:¹

I. BACKGROUND

1. At all times relevant hereto, the Respondent was licensed to practice optometry in the State of Maryland. The Respondent was initially licensed to practice

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with reasonable notice of the asserted facts. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

optometry in Maryland on October 31, 2006, under License Number DA2032. The Respondent's optometry license is active through June 30, 2020.

2. At all times relevant hereto, the Respondent was licensed to practice optometry in the Commonwealth of Virginia. The Respondent was originally licensed to practice optometry in Virginia under the name Armin Namazizadeh on October 3, 2006, under License Number 0618-001615. On April 11, 2018, the Virginia Board of Optometry (the "Virginia Board") issued an *Order for Summary Suspension* in which it summarily suspended the Respondent's Virginia optometry license. See ¶¶ 10-11. The Respondent's Virginia optometry license remains suspended as of the date of this filing.

3. At all times relevant hereto, the Respondent was licensed to practice optometry in the State of Oklahoma. The Respondent was originally licensed to practice optometry in Oklahoma under the named Armin Namazizadeh on July 14, 2010, under License Number 2665. The Respondent's Oklahoma optometry license became inactive on or about October 17, 2013.

II. DISCIPLINARY HISTORY/INVESTIGATIVE ALLEGATIONS

Consent Order, Virginia, August 10, 2010

4. On or about August 10, 2010, the Respondent, then under the name Armin Namazizadeh, O.D., entered into a Consent Order with the Virginia Board in which it found as a matter of law that the Respondent violated laws² and regulations³

² The Virginia Board found that the Respondent violated the following provisions of Virginia Code § 54.1-3215: (1), Fraud or deceit in his practice; (9), Advertising which directly or indirectly deceives, misleads or defrauds the public, claims professional superiority, or offers free optometrical services or examinations; (16), Violating any other standards of conduct as adopted by the Board; and (17), Violating, assisting, inducing or cooperating with others in violating any provisions of law relating to the practice of optometry, including the provisions of this chapter, or of any regulation of the Board. The Virginia Board also found that the Respondent violated Virginia Code § 54.1-3204(6), which states that it is unlawful for any person to publish or cause to be published in any manner an advertisement that is false, deceptive or misleading,

governing the practice of optometry in Virginia.

5. In support of these violations, the Virginia Board found that, among other things, the Respondent: (a) identified himself as a "Medical Director" of his clinic, but was not a medical doctor; (b) identified himself by name only, without adding the professional credential "O.D." or "Doctor of Optometry" following his name; (c) advertised his ability to perform surgery, including Lasik surgery, and (d) had signage on his office entrance that failed to identify him as an optometrist. In addition, the Virginia Board reviewed a random sample of the Respondent's records that showed that he: failed to record visual acuity; failed to record keratometry readings in several cases; failed to record pupil measurements; diagnosed a patient's ocular health as being normal, but also diagnosed the patient with macular degeneration but failed to provide a treatment plan to address the condition; and failed to dilate a patient's eyes despite having the patient's consent to dilation.

6. Pursuant to the Consent Order, the Virginia Board reprimanded the Respondent, imposed a monetary penalty of \$1000, and imposed other conditions.

7. By letter dated January 4, 2013, the Virginia Board notified the Respondent that he complied with the terms of the Consent Order.

Order, Oklahoma, January 20, 2012

8. On January 20, 2012, the Oklahoma State Board of Examiners in Optometry (the "Oklahoma Board"), after conducting a hearing, issued an order entitled, *Findings of Fact, Conclusions of Law and Order* (the "Oklahoma Order"), in which it

contains a claim of professional superiority, or violates regulations of the Board governing advertising by optometrists.

³ The Virginia Board found that the Respondent violated 18 VAC 105-20-40(1), (4), (13) and (14); 18 VAC 105-20-45(1)(b), (c); and 18 VAC 105-20-50(B)(1), (2) and (4).

found as a matter of law that the Respondent violated Oklahoma laws and regulations governing the practice of optometry when he was disciplined by the Virginia Board for an act that would constitute grounds for action in Oklahoma, a violation of 59 O.S. § 585B and OAC 505:10-5-13(b)(29); and for failing to disclose this disciplinary action to the Oklahoma Board, a violation of OAC 505:10-5-13(b)(30).

9. Pursuant to the Oklahoma Order, the Oklahoma Board placed the Respondent on probation for one year.

Order for Summary Suspension, Virginia, April 11, 2018

10. On April 11, 2018, the Virginia Board summarily suspended the Respondent's Virginia optometry license, finding that he "posed a substantial danger to [the] public health or safety."

11. In documents prepared and issued in support of its action, the Virginia Board alleged that the Respondent:

- (a) Violated Virginia Code § 54.1-3215(2)⁴ in that on or about February 23, 2016, he was convicted of petit larceny, a misdemeanor crime of moral turpitude, in the Fairfax County, Virginia, General District Court; and on or about March 24, 2016, was convicted of petit larceny, a misdemeanor crime of moral turpitude, in the Loudoun County, Virginia, General District Court;
- (b) Violated Virginia Code § 54.1-3215(4)⁵ in that he is unable to practice

⁴ Virginia Code § 54.1-3215(2) states that the Virginia Board may revoke or suspend an optometry license if the licensee is convicted of any felony under the laws of the Commonwealth, another state, the District of Columbia, or any United States possession or territory or of any misdemeanor under such laws involving moral turpitude.

⁵ Virginia Code § 54.1-3215(4) states that the Virginia Board may revoke or suspend an optometry license if the licensee uses alcohol or drugs to the extent such use renders the licensee unsafe to practice

safely as an optometrist due to a mental condition and substance abuse, as evidenced by the following:

- (i) On or about May 7, 2012, the Respondent was convicted of the misdemeanor crimes of driving under the influence and eluding in the Cherokee County, Oklahoma, District Court;
- (ii) On or about January 20, 2016, the Respondent was arrested for conduct occurring at a fitness facility on January 5, 2016. On or about March 24, 2016, the Respondent was convicted of disorderly conduct in the Fairfax County, Virginia, General District Court;
- (iii) On or about January 5, 2016, during a second encounter with law enforcement, the Respondent disclosed to police that he had a mental condition for which he had been hospitalized and was transported to the Woodburn Place, Fairfax Crisis Facility, Fairfax, Virginia;
- (iv) On or about January 9, 2016, police officers arrested the Respondent after he became disruptive and allegedly behaved violently toward a neighbor, who reported him to police. On March 10, 2016, the Respondent was convicted of misdemeanor disorderly conduct in the Fairfax County, Virginia, General District Court;
- (v) On or about January 9, 2016, while being interviewed by a Fairfax County, Virginia, detective, the Respondent began acting in an irrational manner and disclosed personal health information about his mental health history;
- (vi) On or about January 15, 2016, the Respondent was hospitalized for a mental condition and was discharged with one or more mental health conditions; and
- (vii) On or about April 8, 2016, the Respondent was convicted of possession of marijuana in the Fairfax County, Virginia, General District Court.

Failure to Disclose

12. The Board's investigation determined that the Respondent failed to

optometry or mental or physical illness rendering the licensee unsafe to practice optometry.

disclose the existence of the above disciplinary actions/relevant facts in a series of online renewal applications he submitted to the Board. In each application, the Respondent certified that he personally reviewed all of his responses and that the information he gave was true and correct to the best of his knowledge.

2011 Renewal Application

13. On or about May 3, 2011, the Respondent, then under the name of Armin Namazizadeh, filed an online renewal of licensure application with the Board. In the application, the Respondent answered "NO" to whether, since his last renewal, any State licensing or disciplinary board had taken action against his license, including reprimand, suspension or revocation.

14. The Respondent failed to disclose the Virginia Board's disciplinary action against him, which resulted in the Consent Order, dated August 10, 2010, in which it reprimanded him. See ¶ 4-7, *supra*.

2013 Renewal Application

15. On or about July 31, 2013, the Respondent filed an online renewal of licensure application with the Board. In the application, the Respondent answered "NO" to whether, since his last renewal: any State licensing or disciplinary board had taken action against his license, including reprimand, suspension or revocation; and he pled guilty, *nolo contendere*, or had been convicted of, or received probation before judgment for, driving while intoxicated.

16. The Respondent failed to disclose the Oklahoma Board's disciplinary action against him, which resulted in its Order, dated January 20, 2012, in which it placed him on probation. See ¶ 8-9.

17. The Respondent failed to disclose that he was convicted of driving while under the influence in Cherokee County, Oklahoma, on or about May 7, 2012. See ¶ 11(b)(i), *supra*.

2016 Renewal Application

18. On or about May 9, 2016, the Respondent filed an online renewal of licensure application with the Board. In the application, the Respondent answered “NO” to whether, since his last renewal: he pled guilty, *nolo contendere*, or was convicted of, or received probation before judgment for, any criminal act; and pled guilty, *nolo contendere*, or was convicted of, or received probation before judgment for, a controlled dangerous substance offense.

19. The Respondent failed to disclose that he was convicted of: petit larceny in Fairfax County, Virginia, on or about February 23, 2016, see ¶ 11(a), *supra*; petit larceny in Loudoun County, Virginia, on or about March 24, 2016, see ¶ 11(a), *supra*; disorderly conduct in Fairfax County, Virginia, on or about March 24, 2016, see ¶ 11(b)(ii), *supra*; disorderly conduct in Fairfax County, Virginia, on or about March 10, 2016, see ¶ 11(b)(iv), *supra*; and possession of marijuana in Fairfax County, Virginia, on or about April 8, 2016, see ¶ 11(b)(vii), *supra*.

2018 Renewal Application

20. On or about June 29, 2018, the Respondent filed an online renewal of licensure application with the Board. In the application, the Respondent answered “NO” to whether, since his last renewal: any State licensing or disciplinary board had taken action against his license, including reprimand, suspension or revocation; there are any outstanding complaints, investigations or charges pending against you in any State by

any licensing or disciplinary board; and he had a physical or mental illness that currently impaired his ability to practice his profession.

21. The Respondent failed to disclose that the Virginia Board summarily suspended his optometry license, effective April 11, 2018. See ¶ 10-11.

III. **GROUNDS FOR SUSPENSION**

22. Based on the above investigative facts, the Board finds that the public health, safety or welfare imperatively requires emergency action.

CONCLUSIONS OF LAW

Based upon the foregoing Investigative Findings, the Board concludes that the public health, safety, or welfare imperatively requires the immediate suspension of the Respondent's license to practice optometry, pursuant to State Gov't § 10-226(c)(2)(2014 Repl. Vol.).

ORDER

Based on the foregoing investigative findings and conclusions of law, it is hereby:

ORDERED that pursuant to the authority vested in the Board by State Gov't § 10-226(c)(2)(2014 Repl. Vol.), the Respondent's license to practice optometry in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN TEN (10) DAYS** of the date of this Order. The written request should be made to: Patricia G. Bennett, Executive Director, Maryland State Board of Optometry Examiners, 4201 Patterson Avenue,


Suite 307, Baltimore, Maryland 21215; with copies mailed to: Robert J. Gilbert, Deputy Counsel, Health Occupations Prosecution and Litigation Division, Office of the Attorney General, 300 West Preston Street, Suite 201, Baltimore, Maryland 21201; and W. Adam Malizio, Assistant Attorney General, Office of the Attorney General, 4160 Patterson Avenue, Baltimore, Maryland 21215; and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation show cause hearing but fails to appear before the Board when the hearing is scheduled, the Respondent's license to practice optometry shall remain **SUSPENDED**; and it is further

ORDERED that upon presentation of this Order, the Respondent **SHALL SURRENDER** to the Board his original optometry license, wallet card and any other official indicia of licensure; and it is further

ORDERED that this is an Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen Prov. §§ 4-101 *et seq.* (2014).

9/18/18
Date


Patricia G. Bennett, Executive Director
Maryland State Board of Examiners
In Optometry