

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of December 17, 2009

Thursday, December 17, 2009, 9:00 a.m.
Basement Conference Room B-1
1400 W. Washington, Phoenix, AZ 85007

Board Members Present:

Board Chair Toni Rodriguez

Vice Chair Becky Brimhall

Chuck Ramirez

John O'Donnell

David Sanderson

Bill Cohagen

Board Members Absent:

James Love

Staff Present:

Mary Hauf Martin

David Geriminsky

Valarie Davis

Legal Counsel:

Keely Versteegen

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Authored by: David Geriminsky

Recommended by: Mary Hauf Martin

Approved by the Board on January 21, 2010

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of December 17, 2009

CALL TO ORDER

The Meeting was called to order at 9:00 a.m. by Board Chair Toni Rodriguez.

CONSENT AGENDA

CONSENT AGENDA:

All items listed with “C” are considered to be routine or have been previously reviewed by the Board of Respiratory Care Examiners, and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests; in which event the item will be removed from the Consent Agenda, and placed in the Regular Agenda under Item R-2.

MOTION ON THE CONSENT:

There being no items requested to be removed, a motion was made by **David Sanderson** to approve all items on the Consent Agenda. **Bill Cohagen** seconded. **The Motion Passed**

C-1 APPROVAL OF MINUTES

Recommended for Approval
November 19, 2009

C-2 ACTION ON APPLICATIONS FOR LICENSURE

i. Permanent License Issuance

Recommended for approval by the Executive Director

| | | | |
|---------------------------|------------------|-------------------|-----------------|
| Kristina Ahmie | Erich Baischoff | Samandrea Barkley | Jeremy Brady |
| Lisa Bushnell | Cassandra Davin | Rosie Dominquez | Belinda Ekstrom |
| Virginia Farley Herman | Nicole Gillespie | Toni Harris | Michele |
| Adrianna Herrera | Daniel Holahan | Marcus Huff | Racheal Lee |

| | | | |
|--------------------------|-----------------|-----------------|-----------------|
| Veolada Lemus Mefford | Seth McGowan | Michael Meadows | Theodore |
| Stacey Messersmith | Cindy Munoz | Brian Murphy | Crystal Neville |
| Siji Paulinose | Juan Perez | Tina Petroni | Samantha Preihs |
| Michael Rojasles | Dennis Ryan | Natalie Sharka | Travis Simpkins |
| Vanessa Smith | Shannon Staszak | Bobbi Tistle | Brandon Thomas |
| Mark Wood | Paul Wyer | Camille Zeigler | |

ii. Re-Application for Permanent Licensure

Recommended for approval by the Executive Director

| | | | |
|------------|---------------|-----------------|-------|
| Alvis Hord | Pamela Munson | Vivian Negreros | Shawn |
|------------|---------------|-----------------|-------|

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iii. Ratification of Temporary Licenses Issued Pursuant to A.R.S. § 32-3521

Recommended for Ratification by the Executive Director

| | | | |
|------------------|------------------|--------------------|----------------|
| Julianna Bising | Debra Clayton | An-Alicia Del Toro | Darrell Fixler |
| Rosana Gonzalez | Dion Joura | Brian Koehn | Yoseph |
| Koomsu | | | |
| Tammy Lemonds | Georgia Lemunyon | Amelia Lyell | Brandon |
| Martin | | | |
| Theodore Mefford | Angela Nelson | Ruby Noriega | Todd Phelan |
| Brian Pummell | Ping Qui | Stephanie Robinson | Eric Sampson |
| Melinda Sensale | Kelly Shea | Travis Simpkins | Julie |
| Stoneberger | | | |
| Alja Sinanovic | Adnan Sutkovic | Alja Sutkovic | Gregory |
| Upton | | | |
| Elaine Weinstein | Richard Wood | | |

iv. Ratification of Temporary License Extension Issued pursuant to A.R.S. § 32-3521

Recommended for Ratification by the Executive Director

| | | |
|-----------------|-----------------|--------------|
| Martha Madrigal | Michael Meadows | Vicki Parker |
|-----------------|-----------------|--------------|

C -3 ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES

Recommended for closing of application files

| | | | |
|----------------|----------------|---------------|---------------|
| Jimmy Ferreras | Jayendra Patel | Debra Smelcer | LaTony Webber |
|----------------|----------------|---------------|---------------|

C- 4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES

Recommended for closing of inactive files

| | | | |
|-------------------|---------------------|---------------|----------------|
| Penny Anderson | Claire Capati-Jucio | Martha Delsid | Gisela Esparza |
| William Leckey | Howard Maddox | Wesley Meece | Rupaul Mistry |
| Daniel Morris | Kristin Parker | Alexis Parish | Daja Patterson |
| Michael Rodriguez | | | |

C-5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of License Expirations to the following individuals:

| | | | |
|------------------|-------------------|-----------------|------------------|
| Crystan Byzitter | Charles Croney | Kimberly Deyo | Carmen Fields |
| Julie Fox | Amanda Gahagan | Walter Goodhart | Walter Guse |
| Shontae Hill | Chris Jones | Richard Konti | Merrill laborda |
| Martyn Legdon | Jennifer Leroux | Ilesaida Linder | Melissa Martinez |
| Derek Miller | Betsey Moore | Jagraj Nahal | William Napier |
| Jennifer Oldham | Jerald Ruybaild | Paula Sheard | Chad Taylor |
| Tamara Tiziano | Michelle Williams | | |

C -6 ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES

Recommended to ratify licenses issued by the Executive Director to individuals who met requirements for renewal

| | | | |
|--------------------|------------------|--------------|------------------|
| Reanto Basconcillo | Stephanie Campos | Teresa Clark | Watler Dixon |
| Ronald Hicks* | Brad Johnson | Holly Joice | Ronald Rosenberg |
| Keri Twitty | | | |

*Licensee will appear on a future agenda regarding violation of A.R.S. § 32-3556

C-7 ACTION ON RATIFICATION OF CONSENT AGREEMENTS AND LETTERS OF WARNING ISSUED

Items listed here will be proposed documents for the Board’s consideration. The Board may choose not to ratify these documents, remove them from the Consent Agenda, and place them in the Regular Agenda under Item R-2.

Stipulation and Consent Orders, and Letters of Warnings Issued, once ratified by the Board shall constitute public records which may be disseminated as formal actions of the Board.

A. Decision on Accepting Proposed Consent Agreements

B. Decision on Accepting Proposed Letters of Warning Issued

C -8 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board Meeting

Thursday, January 21, 2010, at 9:00 a.m.

REGULAR AGENDA

R-1 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

i. Budget Update

The Executive Director provided an update

ii. Scope of Practice Issue

Student Clinical Rotations

The Arizona State Board of Respiratory Care Examiners, at a public meeting conducted on December 17, 2009, arrived at the following Advisory Opinion Statement.

The Board reviewed the contents of an email received by the Board from James Swapp, the director of clinical education for the Respiratory Care program for the Apollo College-Las Vegas campus. The email inquired about state requirements for students while at clinical rotations.

Advisory Opinion Statement on Student Clinical Rotations

After discussion, the Board unanimously agreed that when all of the following conditions are met:

- If a school's training program is accredited by CoARC; **and**
- If the facility where clinical rotations are being done has a contract with the school, and understands that students are practicing under the license of a licensed RCP, MD or DO; **and**
- If the school's clinical instructor holds a current and valid Arizona license;

Then:

Clinical rotations may be performed in Arizona.

The Board strongly recommends that training programs who place students at facilities in Arizona document both their accreditation and all contractual arrangements.

iii. Policy Issue

Felony conviction for current license holder.

The Board discussed the issue and, in the interest of fairness to applicants and existing licensees, decided to adopt a policy. After discussion, it was decided that the Executive Director will prepare a Draft Policy for consideration at the January 2010 meeting.

iv. Board Office Highlights

The Executive Director provided an update on office matters.

R-2 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA

None

R-3 DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE/RENEWAL

A. Application for Licensure/Interview

1. Brian Curdo C002502-10-008833

Mr. Curdo was present. Board members expressed concern that Mr. Curdo had not supplied an evaluation from a qualified practitioner as to Mr. Curdo's current drug dependency. After discussion Board Chair Toni Rodriguez moved to table this matter until Mr. Curdo provides an evaluation of his drug dependency to the Board. John O'Donnell seconded. The Motion Passed.

2. Steven Finch C002534-10-008939

Mr. Finch was present. After discussion the **David Sanderson** moved to Grant Mr. Finch a permanent license and dismiss the current allegations of unprofessional conduct against his license. **John O'Donnell** seconded. **The Motion Passed.**

B. Re-Application for Licensure/Interview

1. John Davis C002532-10-009000

Mr. Davis was not present. After discussion, **John O'Donnell** moved to table this matter to the next regularly scheduled meeting. **David Sanderson** seconded the motion. **The Motion Passed.**

2. Alvis Hord C002535-10-009324

Mr. Hord was present. After discussion, **Bill Cohagen** moved to Grant Mr. Hord a permanent license. **John O'Donnell** seconded. **The Motion Passed.**

R-4 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT

1. Dennis Mayer C002533-10-006675

Mr. Mayer was present. After discussion, the board believed that this matter was of a serious nature. **John O'Donnell** moved to move this matter to the level of a Formal Hearing. **David Sanderson** Seconded. **The Motion Passed.**

R-5 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)

- These Informal Interviews are scheduled for the afternoon session, which begins at 1:00 p.m.

None

R-6 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)

- | | |
|----------------------|--------------------------------------------|
| 1. Jerry Meade | Case Number C002518-10-004904 – 10:00 a.m. |
| 2. Jennifer Mennenga | Case Number C002437-09-005967 – 10:30 a.m. |
| 3. Margo Dejaynes | Case Number C002519-10-001997 – 11:00 a.m. |

1. Jerry Meade Case Number C002518-10-004904 – 10:00 a.m.

Mr. Meade was present. Evidence was presented regarding Mr. Meade's noncompliance with his Probation. Board members made the follow findings:

- He failed to complete the substance abuse evaluation required in Term Number 1 of his Order.
- He repeatedly failed to comply in a timely manner with requests for random drug testing, which is a violation of Term Number 4 of his Order.
- Since he had failed to appear for the interview, he was in violation of Term Number 9 of his Order.

Board members expressed a deeply held concern that Mr. Meade is not capable of being effectively regulated at this time. His continued violation of probation caused the Board to lean toward revocation of his license.

Board Member Bill Cohagen moved to adopt Findings of Fact and Conclusions of Law as set forth in the Compliant. Vice Chair Becky Brimhall seconded. The motion passed unanimously via roll call vote. A motion was made to revoke his license, and it was seconded. Board Chair Toni Rodriguez then spoke in favor of a stayed revocation. This was based on Mr. Meade's statement that he has been sober since June 2008; but that he did not always answer his phone when he was called for drug screens. He assured the Board that, in the future, he would be more accountable; and he will demonstrate, via prompt responses to requests for drug screens, that he is clean and sober.

After further discussion, the motion on the floor was amended. **Bill Cohagen** moved to **Revoke** Mr. Meade's license to practice respiratory care in Arizona; **stay the revocation**, Establish that the public health, safety and welfare would require the immediate, interim suspension of Mr. Meade's license if he violates **any** term of probation; and, to **establish terms and conditions of probation**. **John O'Donnell** seconded. **The motion passed.**

2. Jennifer Mennenga Case Number C002437-09-005967 – 10:30 a.m.

Ms. Mennenga was not present. A compliance check was conducted on Ms. Mennenga's file on September 02, 2009, and it appeared that there were one or more areas of non-compliance. She was sent a letter, informing her of the deficiencies. She did not respond.

- A. On October 15, 2009, the Board met to conduct the interview and to determine whether Ms. Mennenga was in violation of her probation. The Board's Executive Director duly caused the meeting to be noticed in accordance with the Arizona Open Meeting Law. In addition, in her letter of invitation to the meeting, Ms. Mennenga had been reminded that it would be a violation of her probation if she did not attend. Ms. Mennenga did not appear before the Board personally or by legal counsel. Evidence was presented to the Board that Ms. Mennenga was in violation of the following terms of her Probation:

"Term 3. Evaluation

Licensee shall receive another evaluation from a qualified MD or PhD, regarding: chemical dependency/substance abuse; and whether she has the ability to have good cognition and can make good judgments. Licensee shall provide truthful information to her counselor regarding her use of drugs and alcohol. After the evaluation, she shall cause her counselor to report to the Board regarding her diagnosis, prognosis and recommendation about the need for a course of treatment action. The doctor must be preapproved by Board staff. The doctor shall be provided with a copy of this Order by Licensee.

Licensee must:

- A). Make an appointment with her counselor within 15 days.
- B). Have her evaluation completed within 60 days.
- C). Provide a copy of the evaluation to the Board upon its completion.
- D). Instruct her counselor to release to the Board any and all records relating to recommendations regarding the need for a therapeutic plan of care. (See attached medical release form.)
- E). Licensee shall follow-through with completing therapy that is recommended by her counselor, providing information about her compliance with her counselor's recommendations to the Board.

Finding: Ms. Mennenga failed to comply.

“Term 4. Employer Notification

A. Licensee shall inform her current, and any future, employer(s) of this Order. Licensee shall immediately provide her current employer(s) with a copy of this Order, and any future employer(s) with a copy of this Order at the time she files an employment application.

B. Licensee shall cause her employer(s) to notify the Board, via email or facsimile, when the employer(s) receive a copy of this Order.

Finding: Ms. Mennenga failed to comply.

“Term 5. Drug Testing

Licensee shall comply immediately (i.e., within 2 hours) with requests from the Board, or its agents or designees, to submit to witnessed random biological fluid collection. This test must be, at a minimum, a 10-Panel. And, she shall authorize any person or organization conducting tests on these collected samples to provide testing results to the Board.”

Finding: Ms. Mennenga failed to comply on the following date: October 7, 2009.

“Term 7. Abstain from Unauthorized Drug Use/Proof of Prescription

A. Licensee shall take no drugs or medications whatever (except for plain aspirin and/or plain acetaminophen), whether controlled substances, prescription-only drugs or over-the-counter preparations, unless such drug or medication was prescribed for him by his treating physician.

B. Licensee must have a current prescription for any prescription-only drugs or over-the-counter preparations taken, and provide a copy of all mood-altering or controlled substance prescriptions written for the licensee within 72 hours after the prescription has been filled.”

Finding: Ms. Mennenga provided no prescriptions.

“Term 9. Interview with the Board or its Designee

Licensee shall appear in person or if residing out of state, telephonically for interviews with the Board or its designee upon request and with at least 2 days notice.”

Finding: Ms. Mennenga failed to appear on the following date: October 15, 2009.

“Term 10. Change of Employment/Personal Address/Telephone Number

Licensee shall notify the Board, in writing, immediately, via facsimile or email, of any change in employment, personal address or telephone number.

Finding: Ms. Mennenga failed to comply. On October 7, 2009, when a call was placed to the phone number Ms. Mennenga had provided, the number was not valid.

B. Furthermore, the evidence established that due to the Board's finding that Ms. Mennenga needs careful monitoring, and especially in light of the Board's inability to communicate with Ms. Mennenga, her behavior establishes an immediate threat to the public health and safety. Therefore, the Board at the October 2009 meeting voted to issue an interim order of summary suspension of Ms. Mennenga's license to practice respiratory care in Arizona. The Board also voted to issue a Formal Complaint and Notice of Hearing.

On December 17, 2009, the Board held its monthly meeting to consider suspending or revoking Ms. Mennenga's license to practice respiratory care. Ms. Mennenga was served by U.S. certified mail with the Board's Complaint and Notice of Hearing which gave Ms. Mennenga notice of the time, place and location of the meeting. The Board's Complaint directed Ms. Mennenga to respond to the allegation in writing. She did not respond. At the conclusion of the case presented by Assistant Attorney General Keely Verstegen, the Board found that a preponderance of evidence was presented to support the information in the allegation. Board Members stated their belief that, in addition to being unsafe to practice, Ms. Mennenga is not able to be regulated at this time.

After further discussion, **Bill Cohagen** moved to **revoke** Ms. Mennenga's license to practice respiratory care in Arizona. **John O'Donnell** seconded. **The motion passed.**

3. Margo Dejaynes Case Number C002519-10-001997 – 11:00 a.m.

Ms. Dejaynes was present. The Board held a public meeting on October 19, 2009, via telephone conference call, to determine whether there was good cause to believe that Ms. Dejaynes stole narcotics while on duty as a licensed healthcare provider. On October 19, 2009, the Board held a public meeting, via conference call, to consider this allegation. Ms. Dejaynes was present and accompanied by her 12-Step Sponsor. Evidence was presented to the Board as described above. Ms. Dejaynes told the Board that she suffers from Migraine headaches. While working as an RN, she had begun diverting the residual medication in doses of a narcotic drug and administering it to herself intravenously. She developed a dependence on the drug. On

the date of the incident, she stole a dose of the narcotic drug from a Pyxis system, took it into the restroom, and self-injected it. The Night Nurse on duty witnessed the event.

Ms. DeJaynes told the Board that she has entered into the CANDO program with the Arizona State Board of Nursing. CANDO is the Board of Nursing's non-disciplinary, confidential monitoring program for chemically dependent nurses, who meet the eligibility/admission criteria into CANDO, and who voluntarily enter into the program.

Taken in consideration with Ms. DeJaynes's history with the Board, as described in Paragraph C above, the evidence establishes that Ms. DeJaynes's behavior establishes an immediate threat to the public health and safety. Therefore, the Board voted to issue an interim order of summary suspension of Margo DeJayne's license to practice respiratory care in Arizona. The Board also voted to issue a Formal Complaint and Notice of Hearing.

The Board held a public meeting on December 17, 2009, to conduct the Administrative Hearing. Evidence was presented by Assistant Attorney General Keely Verstegen to substantiate the information in the Complaint and Notice of Hearing. Ms. DeJaynes stated that she intends to fully comply with all the requirements of the Board of Nursing's CANDO program.

After consideration and discussion, Board Chair Toni Rodriguez moved to adopt Findings of Fact and Conclusions of Law as set forth in the Complaint and Notice of Hearing. Board Member David Sanderson seconded. The Motion passed unanimously.

After further discussion, **Board Chair Toni Rodriguez** moved to suspend the license of Ms. DeJaynes to practice respiratory care for one year. This suspension will give Ms. DeJaynes time to focus on complying with the CANDO program requirements which she can, in turn, submit to the Board in a year so that the Board can make a determination about her ability to return to the practice of respiratory care at that time. **David Sanderson** seconded. **The motion passed.**

R-7 CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION

Informal Interview Regarding Probation Compliance

- **These Informal Interviews are scheduled to begin at 11:30 a.m.**

- | | |
|--------------------|-------------------------------|
| 1. Michelle McNab | Case Number C002451-09-008519 |
| 2. Sharon Kristick | Case Number C002473-09-000938 |
| 3. Franklin Minor | Case Number C002503-10-008958 |
| 4. Michelle Thomas | Case Number C002279-08-008640 |

- | | |
|-------------------|-------------------------------|
| 1. Michelle McNab | Case Number C002451-09-008519 |
|-------------------|-------------------------------|

Ms. McNab was present. The Board expressed that Ms. McNab had violated her probation and as such should be taken to the next level. After discussion, **Bill**

Cohagen moved to take this matter to a Formal Hearing. **Becky Brimhall** seconded.
The Motion Passed.

2. Sharon Kristick

Case Number C002473-09-000938

Ms. Kristick was not present, which is a violation of her probation. A compliance check was conducted on Ms. Kristick's file in early December 2009, and it appeared that there were one or more areas of non-compliance, as follows:

Term 1: Evaluation

A. Licensee shall receive an evaluation from a Board approved chemical dependency evaluator. Licensee shall cause the evaluator, to report to the Board regarding her diagnosis, prognosis and recommendation about the need for a course of treatment action. Licensee shall provide the aforementioned evaluator with a copy of this Order; and shall provide adequate information regarding the time and date of the scheduled evaluation to Board staff, so that a complete copy of the Licensee's file can be provided. To facilitate the provision of the file, Licensee shall execute a release of information form simultaneously with the execution with this agreement or upon the effective date of the document, whichever is sooner. The evaluator must be Board staff approved

B. Licensee must:

- 1). Make an appointment with an evaluator within 15 days.
- 2). Complete the evaluation within 45 days.
- 3). Provide a copy of the evaluation to the Board upon its completion.
- 4). Instruct her evaluator to release to the Board any and all records relating to recommendations regarding the need for a therapeutic plan of care.
- 5). If necessary, Licensee shall follow-through with completing therapy that is recommended by the evaluator, providing information about her compliance with her evaluator's recommendations to the Board with appropriate Board approved treatment providers. All providers shall be provided with a copy of this Order, and a complete copy of the Licensee's file. To facilitate release of records, Licensee shall sign medical releases immediately upon the request of the Board.

Note: Apparent Non-Compliance:

Ms. Kristick submitted outpatient discharge instructions on June 25, 2009, however it is not an evaluation as required by her Consent Order.

Term 2: Participation in AA/NA

Within seven days of the effective date of this Order, and throughout the term of this Order, Licensee shall participate in at least three weekly meetings of Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program. The meetings must be on three separate days per week. Licensee shall submit to the Board, in writing on Board-approved forms, quarterly reports with the following information:

- * Name of 12-Step Group

- * Name or initials of another individual
in attendance at each meeting
- * Date and time of meeting
- * Location and address of meeting place
- * Name and phone number of organizing/administering person
- * Name and phone number of sponsor

Note: Apparent Non-Compliance:

Ms. Kristick failed to submit her 12-Step Log on the following due dates:

September 15, 2009

December 15, 2009

Term 3: Employer Notification

A. Licensee shall inform her current, and any future, employer(s) of this Order. Licensee shall immediately provide her current employer(s) with a copy of this Order, and any future employer(s) with a copy of this Order at the time she files an employment application.

B. Licensee shall cause her employer(s) to notify the Board, via email or facsimile, when the employer(s) receive a copy of this Order.

Note: Apparent Non-Compliance:

Ms. Kristick failed to provide any information related to her current employment status.

Term 4: Drug Testing

Licensee shall comply immediately (i.e., within 2 hours) with requests from the Board, or its agents or designees, to submit to witnessed random biological fluid collection. This test must be, at a minimum, a 10-Panel. And, she shall authorize any person or organization conducting tests on these collected samples to provide testing results to the Board.

Note: Apparent Non-Compliance:

11/25/2009: Re: Drug Screen Request: Ms. Kristick was called at her number of record and her phone was disconnected.

12/09/2009: Re: 2nd Drug Screen Request: Ms. Kristick was called at her number of record and Board staff left a detailed message requesting a drug screen and for her to call the Board office.

In light of the above the Board held a public meeting on December 17, 2009, to determine whether Ms. Kristick was in violation of her probation. Evidence was presented to the Board that Respondent was in violation of Terms Number 1, 2, 3 and 4 of her Consent Order.

Her failure to appear constituted her violation of Term Number 8. The Board found that the evidence establishes the following: Since she was placed on probation as a consequence of her testing positive for alcohol while on duty as a respiratory care practitioner, at St. Luke's Hospital, on April 10, 2009, her behavior is an immediate threat to the public health and safety.

After discussion, **Board Chair Toni Rodriguez** moved to issue an Interim Order of Summary Suspension of Respondent's license and to issue a formal complaint and notice of hearing. **Becky Brimhall** seconded. **The motion passed.**

3. Franklin Minor

Case Number C002503-10-008958

Mr. Minor was present. Board members expressed extreme reservation about the way in which Mr. Minor has started his probation. Board members instructed staff to invite Mr. Minor to the next meeting and reminded him to follow each and every provision of his probation. The Board took no action.

Ms. Thomas was not present. After considering all of the information, and discussion, Board Members believed Ms. Thomas was in violation of several of the Terms of her Order. **Becky Brimhall** moved to issue a formal complaint and hold a formal hearing. **John O'Donnell** seconded. **The motion passed.**

R-8 CALL TO THE PUBLIC

Those wishing to address the Board do not need to request permission in advance. Each person wishing to address the Board will be given five (5) minutes to do so. The Board can only take action on matters listed on the agenda. Persons who wish to raise issues or concerns not on the noticed agenda should be aware that the only procedural action that can be taken is directing staff to study the matter or to schedule the matter for further discussion at a later date.

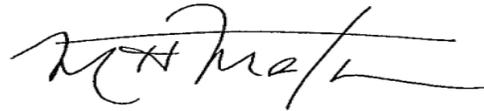
There was no public comment.

R-9 EXECUTIVE SESSION

R-10 ADJOURNMENT

Board Vice Chair Becky Brimhall adjourned the meeting at 12:45 p.m., without objection

DATED this ____th day of January, 2010



MARY HAUF MARTIN

Executive Director