

**MINUTES
REGULAR BOARD MEETING
Friday, January 20, 2012
209 South Green Street
Glasgow, KY**

PRESENT: Mark Woodward, D.C., President
Frank Hideg, D.C., Vice President
Terri Byers-Abston, D.C., Secretary
Michael Seibert, D.C., Board Member
Rodney Casada, D.C., Board Member
Karalee P. Oldenkamp, D.C., Executive Director
Michael West, Board Counsel

A quorum being present and after confirmation of proper notification of the Board meeting, the meeting was called to order by the President at 9:10 a.m. prevailing time.

ITEM I: MINUTES

A motion was made by Dr. Abston, seconded by Dr. Hideg and passed 5-0 to approve the minutes of the October 21, 2011 board meeting.

ITEM II: FINANCIAL REPORTS

After review of the prepared financial reports for October, November and December 2011, upon motion made by Dr. Hideg, seconded by Dr. Casada and passed 5-0, the financial reports were approved as presented.

ITEM III: BOARD OFFICE REPORT

Dr. Woodward was nominated to be the FCLB delegate, with Dr. Hideg serving as alternate delegate for the FCLB. For the NBCE, Dr. Hideg was nominated to serve as the delegate and Dr. Woodward as the alternate delegate.

ITEM IV: MOTION TO AMEND AGENDA

A motion was made by Dr. Casada, seconded by Dr. Hideg and passed 5-0 to amend the agenda to hear discussion on behalf of administrative case 11-025.

ITEM V: ADMINISTRATIVE CASE 11-025

The Board heard testimony from the complainant J.P. in this case as well as attorney Ben Weigel on behalf of the licensee, Dr. Marquez.

ITEM VI: MOTION TO SUSPEND AGENDA FOR BEN WEIGEL, ATTORNEY

Upon motion made by Dr. Abston, seconded by Dr. Seibert and passed 5-0, the agenda was suspended in order to hear discussion on cases represented by Mr. Weigel which included 11-022 and 11A-018.

ITEM VII: MOTION TO ENTER EXECUTIVE SESSION

Upon motion made by Dr. Seibert, seconded by Dr. Casada and passed 5-0, the board entered execu-

tive session to discuss administrative cases 11-025, 11-022 and 11A-018 pursuant to KRS 61.810 C, J.

ITEM VIII: BOARD RESUMES REGULAR SESSION

Upon motion made by Dr. Casada, seconded by Dr. Seibert and passed 5-0, the board resumed regular open session. Dr. Casada made the motion that the Board dismiss administrative case 11-025. The motion was seconded by Dr. Seibert and then passed 5-0. A second motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to dismiss administrative case 11-022. A third motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to offer the standard agreed order for settlement of a first violation of the right to rescind in administrative case 11A-018.

ITEM IX: MOTION TO ENTER EXECUTIVE SESSION AND RESUME AGENDA

Upon motion made by Dr. Seibert, seconded by Dr. Casada and passed 5-0, the board entered executive session to discuss administrative cases 09-072, 10-024, 10-025D, 10-028, 11-009, 11-013, 11-015, 11-019, 11-020, 11-021, 11-023, 11-024, 11-026, 11A-013, 11A-014, 11A-015, 11-028, 11-029, 11-030, 11-031, 11-032 and 12-001 pursuant to KRS 61.810 C, J.

ITEM X: BOARD RESUMES REGULAR SESSION

Upon motion made by Dr. Casada, seconded by Dr. Abston and passed 5-0, the board resumed regular open session. Dr. Casada made the motion that the Board accept the recommendations made for action on the following administrative cases: 09-072 is continued; 10-024 is continued; 10-025D subpoenas shall be issued and served to depose EH and KJ and will be reviewed at the next meeting; 10-028 the terms of agreement shall be approved and the case settled; 11-009 the final agreed order shall be ratified; 11-013 shall be dismissed; 11-015 shall be continued; 11-019 the final agreed order shall be accepted and the case closed; 11-020 shall be continued; 11-021 shall be continued; 11-023 shall be dismissed due to a non-cooperative witness; 11-024 an agreed order shall be offered for settlement of this case at the terms discussed with Board Counsel having the ability to negotiate within the set parameters; 11-026 the signed agreed order shall be accepted and the case closed; 11A-013 the counter offer was denied and original terms offered again; 11A-014 the counter offer was denied and original settlement terms still stand; 11A-015 agreed orders are pending; 11-028 shall be deferred to the Indiana Chiropractic Board for action they may deem appropriate; 11-029 shall be dismissed; 11-031 is continued; 11-032 is continued; 12-001 Dr. Donald Miller shall be offered an agreed order to settle violations of the right of rescission and non-compliance with the board, Board Counsel shall file an injunction in Franklin Circuit Court against Dr. Mark Miller for practice without a license and the Field Coordinator shall be authorized to cooperate with Fayette County Attorney and law enforcement for any potential criminal case they may pursue. Dr. Hideg abstained on this case. The motion was seconded by Dr. Casada and then passed 5-0. A second motion was made by Dr. Casada, seconded by Dr. Seibert and passed 4-0 to file an administrative complaint in case 11-030. Dr. Abston abstained.

**ITEM XI: CONSIDER LICENSE ACTIVATION
RE: P. FAGERLAND, D.C.**

Upon review of the application for activation from Dr. Fagerland, a motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to activate Dr. Fagerland's license.

**ITEM XII: CONSIDER LICENSE ACTIVATION
RE: C. HARNED, D.C.**

Upon review of the application for activation from Dr. Harned, a motion was made by Dr. Casada, seconded by Dr. Seibert and passed 5-0 to activate Dr. Harned's license.

ITEM XIII: CONSIDER LICENSE ACTIVATION
 RE: H. LEIGH-WILSON, D.C.

Upon review of the application for activation from Dr. Leigh-Wilson, a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to activate Dr. Leigh-Wilson's license.

ITEM XIV: REVIEW INITIAL APPLICATION
 RE: ZACHERY LEIBLE, D.C.

The Board reviewed the initial application and correspondence from Zachery Leible, D.C. A motion was made by Dr. Abston, seconded by Dr. Woodward and passed 5-0 to grant his license.

ITEM XV: REVIEW REQUEST FOR HARDSHIP
 RE: CLIFFORD SMITH, D.C.

The Board reviewed the renewal application and correspondence from Clifford Smith, D.C. regarding hardship of his license renewal education. A motion was made by Dr. Abston, seconded by Dr. Woodward and passed 5-0 to accept his request.

ITEM XVI: CONSIDER INFORMATION
 RE: DENNIS CLAUSE, D.C.

Upon review of the request for the ability to take the required ethics course for his agreed order terms online, a motion was made by Dr. Woodward, seconded by Dr. Casada and passed 5-0 to allow Dr. Clause to take the course online.

ITEM XVII: CONSIDER INFORMATION
 RE: CRAIG MARTIN, D.C.

Upon review of the request for the term of his final agreed order concerning preceptorship to be waived, a motion was made by Dr. Abston, seconded by Dr. Casada and passed 5-0 to deny his request as 201 KAR 21:085(7) requires this term.

ITEM XVIII: MOTION TO AMEND AGENDA

A motion was made by Dr. Casada, seconded by Dr. Abston and passed 5-0 to amend the agenda to skip the item related to Dr. Aaron Clark's signage and Non-D.C. Peer Reviews until later on the agenda so they may be discussed in closed session.

ITEM XIX: ADVERTISEMENTS TO REVIEW

There were no advertisements to review.

ITEM XX: FIELD COORDINATOR REPORT

Dr. Hideg gave an update on field visits. The Board asked that cases be initiated and licensees be given a chance to respond on three of the items which had come to the attention of the Field Coordinator. The complaints and the licensee responses will be reviewed at the next meeting.

ITEM XXI: RATIFY SETTLEMENT
 RE: GARY JOHNS

