

1 constitute a technical violation of the board's statute or administrative rules; the
2 evidence before the board indicates that : *adequate steps have been taken to*
3 *remedy the violation and to ensure that incidents of a similar nature do not occur in*
4 *the future,*. Taking into account these circumstances, and the Board's mission to
5 act upon those complaints which involve a threat to the health and safety of
6 students and the public, the Board will not pursue formal disciplinary action in
7 this matter. Roll call vote: Dirks-yes, Duehr-yes, Jeffrey-yes, Johnson-no, Ortiz-
8 yes, Sheka-yes, Smith-yes, Stevens-yes, Trueg-yes, Wortmann-yes. **MOTION**
9 **CARRIED.**

10
11 Laura Stevens moved, with a second by Richard Wortmann, that in **case number**
12 **09-51**, the Board find that, although one or more of the allegations in the
13 complaint is substantiated by the witnesses interviewed in the course of the
14 investigation and the documents gathered in the course of the investigation, and
15 the allegations constitute a technical violation of the board's statute or
16 administrative rules; the evidence before the board indicates that : *adequate steps*
17 *have been taken to remedy the violation and to ensure that incidents of a similar*
18 *nature do not occur in the future,*. Taking into account these circumstances, and the
19 Board's mission to act upon those complaints which involve a threat to the health
20 and safety of students and the public, the Board will not pursue formal disciplinary
21 action in this matter. Roll call vote: Dirks-yes, Duehr-yes, Jeffrey-yes, Johnson-
22 no, Ortiz-yes, Sheka-yes, Smith-yes, Stevens-yes, Trueg-yes, Wortmann-yes.
23 **MOTION CARRIED.**

24
25 Merle Johnson moved, with a second by Laura Stevens, that in **case number 09-**
26 **57**, the Board find probable cause to establish a violation of the following
27 provisions of the Code of Professional Conduct and Ethics, 282 IAC 25.3(6) m, o,
28 and 25.3(5)(a)(5) and order this case set for hearing. **MOTION CARRIED**
29 **UNANIMOUSLY.**

30
31 Laura Stevens moved, with a second by Merle Johnson, that in **case number 09-**
32 **62**, the Board returns the complaint and investigative report to the investigator to

1 gather further information regarding the allegations and return the case to the
2 Board for further consideration. **MOTION CARRIED UNANIMOUSLY.**

3 Merle Johnson moved, with a second by Laura Stevens, that in **case number**
4 **07-14 and 07-16**, the Board not initiate review of the proposed decision in
5 case number 07-14 and 07-16, In the Matter of Arnold Snook, and allow the
6 proposed decision to become the final decision of the Board unless an appeal
7 is taken by one of the parties within the time allowed by rule. **MOTION**
8 **CARRIED UNANIMOUSLY.**

9
10 Oscar Ortiz moved, with a second by Carol Trueg, that in **case number 09-**
11 **04**, the Board accept the Respondent's waiver of hearing and voluntary
12 surrender and that the Board issue an order permanently revoking the
13 Respondent's license with no possibility of reinstatement. **MOTION**
14 **CARRIED UNANIMOUSLY.**

15
16 Carol Trueg moved, with a second by Merle Johnson, that in **case number 08-117**,
17 the Board accept the Respondent's waiver of hearing and agreement to accept a
18 lesser sanction, and issue an order imposing the agreed upon sanction. **MOTION**
19 **CARRIED UNANIMOUSLY.**

20 Laura Stevens moved, with a second by Merle Johnson, that in **case number**
21 **09-40, 09-45, 09-57 and 09-62**, the Board extend the 180-day deadline for
22 issuance of the final decision based upon the extraordinary amount of time
23 needed to schedule the hearing, allow review of the proposed decision, and
24 issue a final decision. **MOTION CARRIED UNANIMOUSLY.**

25
26 **Board Reports:**

27 There were no board reports.

28
29 **Public Comment:**

30 There were no public comments.

31
32
33

1 Executive Director's Report:

2 Dr. Maurer informed the Board that in case number 08-109 and 08-111 there
3 needs to be an application for rehearing and the timelines are such that December
4 15 would be the date that we need to have a telephonic meeting. All board
5 members indicated they would be available for the telephonic meeting scheduled for
6 7:30 a.m. on Tuesday, December 15, 2009.

7
8 Rules:

9 Merle Johnson moved, with a second by Carol Trueg, to file under Notice of
10 Intended Action, the proposed changes to Chapter 13.9(8) Extension of an intern
11 license. **MOTION CARRIED UNANIMOUSLY.**

12
13 Items for Discussion:

14 The proposed changes to Chapter 13.10 Specific Requirements for a Class A
15 License was listed on the agenda for discussion. However, Dr. Maurer
16 recommended to the board that since this was an issue brought up by Dr.
17 Robinson, and Dr. Robinson was unable to attend this meeting, that we table this
18 item and bring it back for discussion at the February meeting.

19
20 Petitions for Waiver:

21 Merle Johnson moved, with a second by Laura Stevens, that in **PFW 09-20**, James
22 Duggan, the Board grant the Petition for Waiver. **MOTION CARRIED**
23 **UNANIMOUSLY.**

24
25 Merle Johnson moved, with a second by Tammy Duehr, that in **PFW 09-21**,
26 Heather Wagner, the Board deny the Petition for Waiver. **MOTION CARRIED**
27 **UNANIMOUSLY.**

28
29 Reports/Approvals:

30 Board Retreat: Dr. Maurer asked that discussion regarding the Board Retreat be
31 tabled and brought back for the February meeting.

32

1 Legislative Reception: Dr. Maurer asked the Board what direction they wanted to
2 take regarding the Legislative Reception. Since we do not have any pertinent issues
3 to discuss with the legislature and due to the budget situation, the majority of the
4 Board members felt that the Legislative Reception should not be held this year.

5
6 Dr. Maurer presented the Fees Report to the board. This report is required per
7 Code of Iowa 272.10 and will be submitted by January 1, 2010 to the chairpersons
8 and ranking members of the joint appropriations subcommittee on education and
9 the legislative services agency.

10
11 Dr. Maurer presented the Annual Administrative Rules Review Report to the board.
12 This report is required per Code of Iowa 272.29 and will be submitted by
13 January 15, 2010 to the chairpersons and ranking members of the senate and
14 house standing committees on education and the joint appropriations
15 subcommittee on education.

16
17 Merle Johnson moved, with a second by Carol Trueg, to adjourn the meeting.

18 **MOTION CARRIED UNANIMOUSLY.**

19
20 There being no further business the meeting was adjourned at 11 a.m.