

1 the August agenda. Item (a) HQT Policy was removed as it was discussed at the
2 Board Retreat.

3
4 Carol Trueg moved, with a second by Merle Johnson, to approve the amended
5 agenda. **MOTION CARRIED UNANIMOUSLY.**

6
7 Merle Johnson moved, with a second by Tammy Duehr, to approve the consent
8 agenda consisting of the minutes of the May 7, 2009, board meeting and the
9 adoption of rules [Iowa Administrative Code – Chapter 282 (272)] to amend Chapter
10 25.2 Definitions, Chapter 27 Professional Service License, Chapter 14, Chapter 15,
11 Chapter 20.7 Specific Renewal Requirements of a Sub License, and Chapter 13.11
12 Specific Requirements for Class B License. **MOTION CARRIED UNANIMOUSLY.**

13
14 Laura Stevens moved, with a second by Merle Johnson , that the Board go into
15 closed session for the purposes of discussing whether to initiate licensee
16 disciplinary proceedings and discussing the decision to be rendered in a contested
17 case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). **MOTION**
18 **CARRIED UNANIMOUSLY.**

19
20 Laura Stevens moved, with a second by Merle Johnson, that in **case number**
21 **09-05**, the Board find probable cause to establish a violation of the following
22 provisions of the Code of Professional Conduct and Ethics, 282 IAC
23 25.3(1)b(2), and 25.3(1)e(4) and order this case set for hearing. **MOTION**
24 **CARRIED UNANIMOUSLY.**

25
26 Carol Trueg moved, with a second by Laura Stevens, that in **case number 09-15**,
27 while the Board is concerned about the allegations, it finds that the evidence
28 gathered in the investigation, including witness statements and the
29 documentary evidence does not rise to the level necessary to take action
30 against the licensee. The Board therefore lacks probable cause to proceed
31 with this matter. **MOTION CARRIED UNANIMOUSLY.**

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33

1 Merle Johnson moved, with a second by Carol Trueg, that in **case number 09-16**,
2 the Board find that, although one or more of the allegations in the complaint
3 may be substantiated by the documents gathered in the course of the
4 investigation, and the allegations may constitute a violation of the board's
5 statute or administrative rules; the evidence before the board indicates that:
6 *this does not rise to the level necessary to take action against the licensee.*
7 Taking into account these circumstances, and the Board's mission to act
8 upon those complaints which involve a threat to the health and safety of
9 students and the public, the Board will not pursue formal disciplinary action
10 in this matter. **MOTION CARRIED UNANIMOUSLY.**

11

12 Laura Stevens moved, with a second by Merle Johnson, that in **case number**
13 **09-18**, the Board find probable cause to establish a violation of the following
14 provisions of the Code of Professional Conduct and Ethics, 282 IAC
15 25.3(1)e(3) and (4), and order this case set for hearing. **MOTION CARRIED**
16 **UNANIMOUSLY.**

17

18 Laura Stevens moved, with a second by Carol Trueg, that in **case number 09-22**,
19 the Board find that, although one or more of the allegations in the complaint may
20 be substantiated by the documents gathered in the course of the investigation, and
21 the allegations may constitute a violation of the board's statute or administrative
22 rules; the evidence before the board indicates that: *this does not rise to the level*
23 *necessary to take action against the licensee.* Taking into account these
24 circumstances, and the Board's mission to act upon those complaints which
25 involve a threat to the health and safety of students and the public, the Board will
26 not pursue formal disciplinary action in this matter. Roll call vote: Dirks-yes,
27 Duehr-recused, Jeffrey-yes, Johnson-yes, Ortiz-yes, Robinson-yes, Sheka-yes,
28 Smith-yes, Stevens-yes, Trueg-yes, Wortmann-yes. **MOTION CARRIED.**

29

30 Laura Stevens moved, with a second by Carol Trueg, that in **case number 09-23**,
31 the Board find that, although one or more of the allegations in the complaint may
32 be substantiated by the documents gathered in the course of the investigation, and
33 the allegations may constitute a violation of the board's statute or administrative

1 rules; the evidence before the board indicates that: *this does not rise to the level*
2 *necessary to take action against the licensee.* Taking into account these
3 circumstances, and the Board’s mission to act upon those complaints which
4 involve a threat to the health and safety of students and the public, the Board will
5 not pursue formal disciplinary action in this matter. Roll call vote: Dirks-yes,
6 Duehr-recused, Jeffrey-yes, Johnson-yes, Ortiz-yes, Robinson-yes, Sheka-yes,
7 Smith-yes, Stevens-yes, Trueg-yes, Wortmann-yes. **MOTION CARRIED.**

8
9 Laura Stevens moved, with a second by Carol Trueg, that in **case number 09-24,**
10 while the Board is concerned about the allegations, it finds that the evidence
11 gathered in the investigation, including witness statements and the
12 documentary evidence does not rise to the level necessary to take action
13 against the licensee. The Board therefore lacks probable cause to proceed
14 with this matter. **MOTION CARRIED UNANIMOUSLY.**

15
16 Laura Stevens moved, with a second by Carol Trueg, that in **case number 09-25,**
17 while the Board is concerned about the allegations, it finds that the evidence
18 gathered in the investigation, including witness statements and the documentary
19 evidence does not rise to the level necessary to take action against the licensee.
20 The Board therefore lacks probable cause to proceed with this matter. **MOTION**
21 **CARRIED UNANIMOUSLY.**

22
23 Laura Stevens moved, with a second by Merle Johnson, that in **case number 09-**
24 **26,** while the Board is concerned about the allegations, it finds that the evidence
25 gathered in the investigation, including witness statements and the documentary
26 evidence does not rise to the level necessary to take action against the licensee.
27 The Board therefore lacks probable cause to proceed with this matter. **MOTION**
28 **CARRIED UNANIMOUSLY.**

29
30 Laura Stevens moved, with a second by Merle Johnson, that in **case number 09-**
31 **27,** while the Board is concerned about the allegations, it finds that the evidence
32 gathered in the investigation, including witness statements and the documentary
33 evidence does not rise to the level necessary to take action against the licensee.

1 The Board therefore lacks probable cause to proceed with this matter. **MOTION**
2 **CARRIED UNANIMOUSLY.**

3
4 Merle Johnson moved, with a second by Carol Trueg, that in **case number 09-28**,
5 the Board tables this until more information is gathered. **MOTION CARRIED**
6 **UNANIMOUSLY.**

7
8 Carol Trueg moved, with a second by Merle Johnson, that in **case number 09-29**,
9 the Board find that, although one or more of the allegations in the complaint may
10 be substantiated by the documents gathered in the course of the investigation, and
11 the allegations may constitute a violation of the board's statute or administrative
12 rules; the evidence before the board indicates that: *adequate steps have been taken*
13 *to remedy the violation and to ensure that incidents of a similar nature do not occur*
14 *in the future.* Taking into account these circumstances, and the Board's mission to
15 act upon those complaints which involve a threat to the health and safety of
16 students and the public, the Board will not pursue formal disciplinary action in
17 this matter. **MOTION CARRIED UNANIMOUSLY.**

18
19 Carol Trueg moved, with a second by Laura Stevens, that in **case number 09-30**,
20 the Board tables this until more information is obtained. Roll call vote: Dirks-yes,
21 Duehr-yes, Jeffrey-yes, Johnson-yes, Ortiz-yes, Robinson-yes, Sheka-yes, Smith-
22 yes, Stevens-yes, Trueg-yes, Wortmann-recused. **MOTION CARRIED.**

23
24 Carol Trueg moved, with a second by Merle Johnson, that in **case number 09-31**,
25 the Board finds probable cause to establish a violation of the following provisions of
26 the Code of Professional Conduct and Ethics, 282 IAC 25.3(3)a, d, and order this
27 case set for hearing. Roll call vote: Dirks-yes, Duehr-yes, Jeffrey-yes, Johnson-yes,
28 Ortiz-yes, Robinson-yes, Sheka-recused, Smith-yes, Stevens-yes, Trueg-yes,
29 Wortmann-yes. **MOTION CARRIED.**

30
31 Oscar Ortiz moved, with a second by Laura Stevens, that in **case number 08-97**,
32 the Board accepts the Respondent's waiver of hearing and voluntary surrender and
33

1 that the Board issue an order permanently revoking the Respondent’s license with no
2 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

3

4 Merle Johnson moved, with a second by Carol Trueg, that the Board not initiate
5 review of the proposed decision in **case number 08-105**, In the Matter of Kenneth
6 Thimmesch, and allow the proposed decision to become the final decision of the
7 Board unless an appeal is taken by one of the parties within the time allowed by
8 rule. **MOTION CARRIED UNANIMOUSLY.**

9

10 Oscar Ortiz moved, with a second by Merle Johnson, that in **case number 08-115**,
11 the Board reject the stipulation and settlement submitted by the parties, and
12 return the case to the parties for further proceedings consistent with this decision.
13 **MOTION CARRIED UNANIMOUSLY.**

14

15 Laura Stevens moved, with a second by Carol Trueg, to extend the 180-day
16 deadline for issuance of the final decision in **case numbers 08-117, 09-01, 09-02,**
17 **09-03, 09-04, 09-05, 09-07, 09-08, 09-10**, based upon the extraordinary amount
18 of time needed to schedule the hearing, allow review of the proposed decision, and
19 issue a final decision. **MOTION CARRIED UNANIMOUSLY.**

20

21 Board Reports:

22 There were no board reports.

23

24 Public Comment:

25 There were no public comments.

26

27 Executive Director’s Report:

28 Dr. Maurer shared the document he received from the Board of Regents Board
29 Packet on their website regarding the Request for a New Collaborative Pilot License
30 Program-Iowa Teacher Intern License.

31

32 Dr. Maurer also mentioned to the board that there was difficulty sending the board
33 packet electronically in that all were “undeliverable” due to the size. We will look

1 into other alternatives on how the board can receive an advance copy of the board
2 packet electronically.

3
4 Dr. Maurer reported on the NASDTEC Annual Conference which he and Beth Myers
5 attended in May. At the NASDTEC business meeting Dr. Maurer was elected
6 President-Elect for next year and will be President the following year. He also
7 shared a copy of a draft of the NASDTEC Interstate Educator Licensure Agreement.

8
9 Dr. Maurer presented the financial report. There will be a carryover of \$983,000.
10 However, before the end of FY 09 there will be a deduction of \$454,000 which will
11 leave a \$500,000 balance at the start of FY 10.

12
13 The proposed budget for FY 10 was presented which included the \$65 for
14 background checks.

15

16 Items for Discussion:

17 The proposed changes to Chapter 24.4(6) Speech Language Pathologist were
18 discussed and will be brought back to the August meeting for noticing.

19

20 Petitions for Waiver:

21 The waiver process was discussed. Dr. Maurer asked the Board if a similar
22 situation has already been waived, would the Board authorize him, as the
23 Executive Director, to approve the waiver without the information coming to the
24 Board. The Board supported that rules would need to be amended for the
25 Executive Director to have that authority. Susan Fischer asked if the Board would
26 like to receive a recommendation from the staff regarding the waiver decision. The
27 Board would like to continue to receive recommendations. However, the final
28 decision shall be made at the sole discretion of the Board.

29

30 Bev Smith moved, with a second by Merle Johnson, that in **PFW 09-08**, Ann K.
31 Andersen, the Board deny the Petition for Waiver. **MOTION CARRIED**
32 **UNANIMOUSLY.**

33

1 Merle Johnson moved, with a second by Brad Dirks, that in **PFW 09-09**, Marjorie
2 M. Lane, the Board deny the Petition for Waiver. Roll call vote: Dirks-yes, Duehr-
3 yes, Jeffrey-yes, Johnson-yes, Ortiz-no, Robinson-yes, Sheka-yes, Smith-yes,
4 Stevens-yes, Trueg-yes, Wortmann-yes. **MOTION CARRIED.**

5

6 Reports:

7 Beth Myers, Christy Hickman and Peri VanTassel updated the Board regarding
8 developing an Ethics in Education course for educators. The committee will
9 continue to inform the Board of their progress.

10

11 The Board Meeting Calendar for Fiscal Year 2010 was amended changing the date
12 of the June 10-11, 2010 meeting to June 17-18, 2010. Tammy Duehr moved, with
13 a second by Richard Wortmann, that the Board approve the amended board
14 meeting dates for fiscal year 2010. **MOTION CARRIED UNANIMOUSLY.**

15

16 Judy Jeffrey announced the committee assignments for FY 10. The Board
17 members for committee assignments for FY 10 are as follows:

18

<u>Executive Committee</u>	<u>Professional Practices</u>
19 Judy Jeffrey	Laura Stevens
20 Greg Robinson	Merle Johnson
21 Tammy Duehr	Oscar Ortiz
22 Bev Smith	Carol Trueg

24

25 Board Operating Guidelines

26 Brad Dirks

27 Liz Sheka

28 Julio Almanza

29 Richard Wortmann

30

31 There being no further business, Judy Jeffrey adjourned the meeting at 1:35 p.m.

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