



## DISCIPLINARY BOARD MEETING MINUTES

May 15, 2014

Sacramento, CALIFORNIA

### BOARD MEMBERS

Todd D'Braunstein, P.T. Member, President  
John Vertido, L.V.N. Educator Member, Vice President  
Eduardo Angeles, Public Member  
Vivian Avella, Public Member  
Tammy Endozo, L.V.N. Member  
Samantha James-Perez, P.T. Member  
Jessica Leavitt, Public Member  
Eric Mah, Public Member  
Andrew Moreno, Public Member  
Donna Norton, L.V.N. Member  
Susan Rubin, Public Member

### PRESENT:

### STAFF PRESENT:

Teresa Bello-Jones, Executive Officer  
Marilyn Kimble, Enforcement Division Chief  
Rocio Llamas, Enforcement Program Manager  
Mark Ito, Licensing Program Analyst  
Jay Prouty, Disciplinary Program Analyst  
Gary Duke, Legal Counsel, Department of Consumer Affairs

### 1. CALL TO ORDER

The Disciplinary Board Meeting was called to order by President Todd D'Braunstein at 9:05 a.m., May 15, 2014, at the Doubletree by Hilton Sacramento, 2001 Point West Way, Sacramento, California.

Karl Engeman, Administrative Law Judge, presided over the disciplinary hearings. The State was represented by Deputy Attorney Generals Phillip Arthur and Jeffrey Phillips.

Mr. D'Braunstein, welcomed faculty and students from the following vocational nursing and psychiatric technician programs:

American College of Nursing  
Carrington College  
Gurnick Academy of Medical Arts

Santa Rosa Junior College  
Twin Rivers Adult School  
Glendale Career College

### 2. PLEDGE OF ALLEGIANCE

John Vertido led those assembled in the Pledge of Allegiance.

## 10. ELECTION OF OFFICERS

Mr. D'Braunstein polled the members and all agreed to move this agenda item forward for consideration. Eric Mah made an opening statement regarding the election of officers that took place during the February 28, 2014, Board Meeting. He had concerns regarding a possible violation of the Bagley-Keene Open Meeting Act and wants to ensure that the Board's actions are proper and lawful. He indicated that Mr. Vertido contacted some of the newer Board members seeking their support for his nomination for the position of vice-president. He noted that he cares about the Board and is interested in helping to plan for succession. He pointed out Samantha James-Perez's long standing service to the Board and Vivien Avella's qualifications.

Mr. Vertido noted that he had asked for support from the new members. He felt that he did nothing wrong. His only intent was to support the President and the Board. He wanted to share his knowledge and experience and help provide consistent, responsible leadership. He stressed that during his years of service he has been in attendance at all meetings of the Board. He has never been the cause for the Board's lack of a quorum and, inability to conduct business.

Mr. Mah asked Gary Duke to clarify whether or not a violation was committed if Mr. Vertido spoke to a majority of the other members. Gary Duke confirmed that speaking to a majority of members to develop a consensus on any issue would constitute a violation of the Bagley-Keene Open Meeting Act. However, Mr. Duke stated that, based on the information available, there appears to be insufficient evidence of any violation of the Bagley-Keene Open Meeting Act. To ensure that proper procedures are followed the Board may reconsider its prior decision today.

Mr. Mah asked Ms. James-Perez if she would consider being nominated. She accepted. Mr. Mah moved to nominate Ms. James-Perez.

Andrew Moreno asked if Mr. Vertido was still interested in serving as vice president. Mr. Vertido indicated that he was still interested.

Both Mr. Vertido and Ms. James-Perez made brief statements regarding their interest in and qualifications for the position.

Eduardo Angeles noted that leadership should be reflective of the full Board. The Board includes male and female members that are located in both Northern and Southern California. It is advantageous to have a Board member located in the Sacramento area who is available to staff. Also, currently the leadership represents both PTs under Mr. D'Braunstein and LVNs under Mr. Vertido.

Ms. Avella noted that that both candidates are qualified. She stated that she would support Ms. James-Perez as vice president.

**Motion: To elect Samantha James-Perez and/or John Vertido as Board Vice President.**

**Move/Seconded: Eric Mah/Eduardo Angeles**

**Vote: 5 to elect John Vertido; 5 to elect Samantha James-Perez; 1 Abstention**

Neither candidate received a majority vote.

Ms. James-Perez withdrew her name from consideration. Mr. Mah then nominated Ms. Avella. Ms. Avella stated that she was flattered but would decline the nomination. She is not ready to assume the extra responsibility of this position at this time.

**Motion: To elect John Vertido as Board Vice President.**

**Moved/Seconded: Donna Norton/Andrew Moreno**

**Support: 9 Oppose: 2 Abstain: 0**

### **3. PUBLIC COMMENT**

There were no public comments.

The following petitions were heard by the Board. Following the hearings, the Board convened in closed session.

### **4. REINSTATEMENT HEARINGS**

#### **4.A. David Facio, PETITION FOR REINSTATEMENT**

The Board denied the Petition for Reinstatement of the psychiatric technician license.

#### **4.B. Craig Jones, PETITION FOR REINSTATEMENT**

The Board granted the Petition for Reinstatement of the vocational nurse license.

#### **4.C. Adrian Ravizee, PETITION FOR REINSTATEMENT**

The Board denied the Petition for Reinstatement of the vocational nurse license.

#### **4.D. Maria Santiago, PETITION FOR REINSTATEMENT**

The Board granted the Petition for Reinstatement of the vocational nurse license.

#### **4.E. Phyllis Savedra, PETITION FOR REINSTATEMENT**

The Board denied the Petition for Reinstatement of the vocational nurse license.

#### **4.F. Carol Smith, PETITION FOR REINSTATEMENT**

The Board denied the Petition for Reinstatement of the vocational nurse license.

**5. EARLY TERMINATION OF PROBATION HEARING**

**5.A. Karen Dodge, PETITION FOR EARLY TERMINATION OF PROBATION**

The Board granted the Petition for Early Termination of Probation of the vocational nurse license.

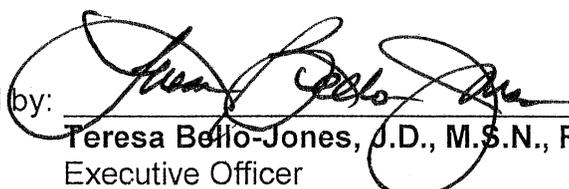
**6. MODIFICATION OF PROBATION HEARING**

**6.A. Bruce Duffield, PETITION FOR MODIFICATION OF PROBATION**

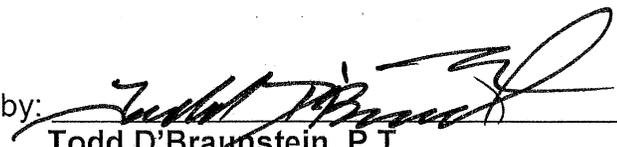
The Board granted the Petition for Modification of Probation of the vocational nurse license.

**ADJOURNMENT**

The Disciplinary Board Meeting adjourned at 4:20 p.m.

Prepared by:   
Teresa Bellio-Jones, J.D., M.S.N., R.N.  
Executive Officer

Date: 9/17/14

Approved by:   
Todd D'Braunstein, P.T.  
President

Date: 9-12-14