



## **BOARD MEETING TELECONFERENCE MINUTES**

**OCTOBER 26, 2015**

**SACRAMENTO, CALIFORNIA 95834**

Department of Consumer Affairs; 1625 N. Market Boulevard, Hearing Room-South, Room 102

**SACRAMENTO, CALIFORNIA 95823**

Curam College School of Nursing; 6520 44th Street, Suite 312

**CULVER CITY, CALIFORNIA 90230**

Bureau of Automotive Repair, 6001 Bristol Parkway

**WESTLAKE VILLAGE, CALIFORNIA 91361**

Professional Medical Careers Institute; 920 Hampshire Road, Suite S

### **BOARD MEMBERS**

#### **PRESENT:**

Todd D'Braunstein, P.T. Member, Board President (Sacramento)  
Samantha James-Perez, P.T. Member, Board Vice President (Sacramento)  
Vivien Avella, Public Member (Westlake Village)  
Tammy Endozo, L.V.N. Member (Sacramento)  
Donna Norton, L.V.N. Member (Sacramento)  
Susan Rubin, Public Member (Culver City)  
John Vertido, L.V.N. Educator Member (Curam College, Sacramento)

### **BOARD MEMBERS**

#### **ABSENT:**

Bernice Bass de Martinez, Public Member  
Eric Mah, Public Member  
Andrew Moreno, Public Member

### **BOARD STAFF**

#### **PRESENT:**

John Brooks, Acting Executive Officer  
Gina Bayless, Enforcement Division Chief  
Rocio Llamas, Enforcement Program Manager  
Rebecca Bon, Legal Counsel  
Jennifer Almanza, Administrative Analyst

#### **1. CALL TO ORDER, ROLL CALL, AND ESTABLISHMENT OF QUORUM.**

The meeting was called to order by the President, Todd D'Braunstein, at 9:30 a.m., October 26, 2015, from the Department of Consumer Affairs (DCA) Hearing Room, 1625 North Market Boulevard, Room S-102, Sacramento, California 95834. Mr. D'Braunstein

took attendance of the Board Members by roll call. They introduced themselves by announcing their name, location, and noting if members of the public were in attendance.

**2. INTRODUCTION OF BOARD STAFF.**

Gina Bayless, Enforcement Division Chief, introduced herself and Rocio Llamas, Enforcement Program Manager. Rebecca Bon, DCA Legal Counsel, introduced herself and John Brooks, Acting Executive Officer, introduced himself and Jennifer Almanza. All staff members were present in Sacramento at the DCA Hearing Room location.

**3. PUBLIC COMMENT PROCEDURES.**

Mr. D'Braunstein announced public comment procedures and that public comment is welcome on any open agenda item prior to the Board's discussion; no action may be taken at this time on those items not on the agenda; and the Board may limit the length of time allowed for comment.

**4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA.**

**Public Comment:** None.

**5. 2016 BOARD MEETING DATES AND LOCATIONS.**

**Public Comment:** None.

**Board Discussion:**

- Ms. Avella commented on the timing of the August meetings and that the Board had a long discussion regarding this at prior meetings. Ms. Avella added traditionally the meetings were in September and it was her understanding the Board did not typically have the meetings in August due to scheduling of summer vacations. She said she believed we changed the meetings to September because we would exceed (inaudible) Ms. Avella asked if the meetings can be changed back to September.
- Ms. James-Perez asked for confirmation from John Brooks or Gina Bayless that moving the meetings to September would not put the Board in the position of exceeding the 100 day period. Ms. James-Perez said her whole goal of scheduling the meetings in August was so the Board does not go over the 100 day mark, and the Board does not have to hold the telephone meetings to hear all of the closed session items in a regularly scheduled board meeting. She said it would be important to schedule the meetings so the Board does not ever exceed the 100 days, but Vivien said that the stop gap would prevent us. Ms. James-Perez asked for confirmation from John or Gina if that would affect the Board getting called to a teleconference meeting.
- Mr. Brooks responded that this is the fourth unscheduled teleconference meeting the Board has due to disciplinary issues this year; January, April, July and October. He said because of the timing when we get the results, there is no way to schedule the four typical regular board meetings that we have to make sure we catch all of those within the 100 day window. He said it was his perspective, whether we schedule the meeting in August or September isn't going to make or break the decision as to whether it is

going to keep the Board from having another board meeting to talk about a disciplinary case.

- Ms. James-Perez said she thinks she understands, however asked for additional clarification. She said it seems like if the board meetings as close to 90 or 95 days apart as possible, the Board should be called into unscheduled session less because of the 100 day rule. Mr. Brooks responded for example, there was a meeting in August and the next scheduled meeting is in November, almost three months apart, but the Board is having this meeting in October because of the timing of the decision. We received the hearing results in early August, we did not have enough time to include that in the August meeting, but the 100 days was going to expire before the November meeting and that is why we are having this meeting today. Ms. James-Perez asked if the 100 days includes the time for the judge to prepare the proposed decision. Mr. Brooks responded no, it is 100 days from receipt of the decision.
- Ms. Bon commented, in other words, the Board is receiving these on a sporadic basis, receiving these from OAH at any given time and each is going to have its own clock at each time regardless of when the board meeting schedule is. So there can be a board meeting in August, and much like this one, as John said, you could receive a decision from OAH right before or after that. Staff does everything they need to right on time to issue board members a mail ballot. In other words, the mail ballot was not received in time to get to the board members for the August board meeting, and if a couple of the board members hold it for discussion, that 100 days started running when the board member received it, it is going to hit up right around the November time, it is going to vary too much.
- Ms. James-Perez asked if OAH does not always send the Board decisions as soon as the judge writes them. Ms. Bon responded even if they did, it is not in accordance with the board's board meeting schedule. It does not matter when they write them or when they hold the hearings, from the date the cases are received, which could be any day during the year, and that then gets the clock rolling. The windows are not going to capture the time frames.
- Ms. Rubin commented that there is interference on the line and that someone was sitting with a cell phone too close to the conference phone unit.
- Ms. Avella said the representative she has with her (inaudible) and asked everyone to get right up to the phone.
- Mr. D'Braunstein stated there was discussion about possibly changing the dates from August to September. The proposed dates and it is already listed they are subject to change. He added that in the past there had been quorum issues, but it does not seem like there will be quorum issues coming up. If a person does need to miss a board meeting, he does not think it will severely impact the quorum. The meetings the board has needed to schedule, they have done a good job with being able to get together by telephone conference in the in-between time to meet the mandate.
- Ms. Norton commented she did not feel strongly about it either way, but she said she recalled about two board meetings ago the board actually wanted to change it from September to August, and now they were having the same discussion about changing it putting it back. She added that it doesn't seem like there would be an impact on the need to have teleconferences because depending on when the judge gets their decision out, the board could have to have a meeting anyway, even if the board had a meeting on schedule. She said in her opinion, they should go with whatever works best and trying to keep the meetings timely for the schools for the public.

- Mr. Vertido commented that one of the things the board needs to look at is the board staffs' time to prepare for each board meeting. He said the amount of time it takes to prepare for the meetings is significant, and one of the reasons the meeting was rolled back from September to August is that September to November is quite a time crunch. He added there was an issue not long ago when there was a meeting in September, another in October, and then another in November. By rolling it back a month, gave the staff time to complete their reports and get their usual preparations done before one meeting after another. To do three meetings in a row, three months in a row and come up with all the necessary paperwork to (inaudible) priority and everything else got shoved aside. He added that he can go either way, August or September, be he is not nailed to anything in particular and that he just wanted to share the background on it.

**MOTION: To adopt the 2016 Board Meeting Dates and Locations.**

**Moved:** Tammy Endozo

**Seconded:** John Vertido

Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Ms. Norton, Ms. Rubin, and Mr. Vertido voted in favor of the motion. Ms. Avella abstained. **The motion passed 6-0-1.**

**6. ADOPTION OF AUGUST 21, 2015 BOARD MEETING MINUTES.**

**Public Comment:** None.

**Board Discussion:** None.

**MOTION: To adopt the August 21, 2015 Board Meeting Minutes.**

**Moved:** Susan Rubin

**Seconded:** Tammy Endozo

Ms. Avella, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. **The motion passed 7-0-0.**

**7. CLOSED SESSION**

**A. Closed Session – Disciplinary Actions (not open to public). Government Code Section 11126(c)(3).**

The meeting adjourned into closed session for the purpose of discussing disciplinary actions.

**B. Closed Session: Appointment and Recruitment of an Executive Officer (not open to public), Government Code Section 11126(a)(1).**

This item was not discussed.

**C. Adjourn Closed Session.**

8. **RECONVENE OPEN SESSION**

9. **ADJOURNMENT**

The meeting was adjourned at 10:10 a.m.

Prepared by: \_\_\_\_\_

  
**John Brooks**  
Acting Executive Officer

Date: \_\_\_\_\_

11-20-15

Approved by: \_\_\_\_\_

  
**Todd D'Braunstein, P.T.**  
President

Date: \_\_\_\_\_

11-20-2015