State Board of Social Workers, Marriage and Family Therapists, and Professional Counselors June 15, 2021

BOARD MEMBERS:

Joy E. Corby, Ph.D., LMFT, Chair
K. Kalonji Johnson, Commissioner, Bureau of
Professional and Occupational Affairs
Michelle Santiago, Psy.D., LPC, Vice Chair
Jeanne Elberfeld, M.D., LSW
Erika Evans, Ph.D., LMFT
Christian Jordal, Ph.D., LMFT
Amy K. Keisling, LCSW
Kurt L. Kraus, Ed.D., NCC, ACS, LPC
Linda A. Martin, LCSW, RN
Marilyn L. Painter, Public Member

BUREAU PERSONNEL:

Jaime D. Black, Esquire, Board/Regulatory Counsel
Dean F. Picarella, Esquire, Senior Board Counsel
Nicole Ehrhart, Esquire, Board Counsel
Nathan C. Giunta, Esquire, Board Prosecution Liaison
Jason T. Anderson, Esquire, Senior Board Prosecutor
Adam Williams, Esquire, Board Prosecutor
Kayla R. Bolan, Esquire, Board Prosecutor
Cynthia K. Montgomery, Esquire, Deputy Chief
Counsel, Regulatory Counsel, Department of State
Sandra E. Matter, Board Administrator
Theodore Stauffer, Executive Assistant, Bureau of
Professional and Occupational Affairs
Marc Farrell, Deputy Policy Director, Department of
State

ALSO PRESENT:

Johanna Byrd, ACSW, IOM, CAE, Executive Director, National Association of Social Workers, Pennsylvania Chapter

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2 State Board of Social Workers, 3 Marriage and Family Therapists

4 and Professional Counselors

June 15, 2021

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7 [Pursuant to Section 708(a)(5) of the Sunshine Act,
8 the Board entered into Executive Session with Jaime D.
9 Black, Esquire, Board Counsel, for the purpose of
10 conducting quasi-judicial deliberations on a number of
11 matters before the Board today and to receive advice
12 of counsel. The Board entered into public session at

14

11:15 a.m.l

[Theodore Stauffer, Executive Assistant, Bureau of Professional and Occupational Affairs, noted the meeting was being recorded, and those who remained on the line were giving their consent to be recorded.]

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The regularly scheduled meeting of the State
Board of Social Workers, Marriage and Family
Therapists, and Professional Counselors was held on
Tuesday, June 15, 2021. Joy E. Corby, Ph.D., LMFT,
Chair, called the meeting to order at 11:15 a.m.

K. Kalonji Johnson, Commissioner, Bureau of

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Professional and Occupational Affairs, was not present
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   during the commencement of the meeting.
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   Introduction of Board/Public Members
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   [Chair Corby requested Board members and the public
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   introduce themselves.]
                              * * *
   [K. Kalonji Johnson, Commissioner, Bureau of
   Professional and Occupational Affairs, entered the
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   meeting at 11:18 a.m.]
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   Approval of minutes of the May 4, 2021 meeting
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   CHAIR CORBY:
                  I believe the Board members have sent
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                  corrections to Sandy for the draft
                  minutes for May 4, 2021, so do I hear a
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17
                  motion to accept the minutes with
18
                  corrections?
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   DR. KRAUS:
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                  So moved.
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   MS. PAINTER:
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                  Second.
2.3
   CHAIR CORBY:
2.4
                  All in favor, raise your hand. Opposed?
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                  Abstentions?
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[The motion carried. Dr. Jordal abstained from voting
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   on the motion.
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   Report of Board Prosecutorial Division
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   [Nathan C. Giunta, Esquire, Board Prosecution Liaison,
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   presented the Consent Agreement for Case No. 19-69-
   015684.1
                              * * *
   [Jason T. Anderson, Esquire, Senior Board Counsel,
10
   noted Mr. Giunta is now the Board prosecution liaison
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   and he is senior counsel-in-charge of Mr. Giunta's
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   team.
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        Mr. Anderson presented the VRP Consent Agreement
   for Case No. 21-69-003483. He presented the Consent
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   Agreement for Case No. 19-69-018523. Linda Martin,
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   Amy Keisling, and Kurt Kraus were recused.
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        Mr. Anderson presented the VRP Consent Agreement
   for Case No. 21-69-005309.]
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                              * * *
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   [Kayla R. Bolan, Esquire, Board Prosecutor, presented
   the Consent Agreement for Case No. 18-69-003784.]
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23
   Report of Regulatory Board Counsel
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   [Cynthia K. Montgomery, Esquire, Deputy Chief Counsel,
   Regulatory Counsel, Department of State, addressed
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final rulemaking for 16A-6919 regarding child abuse reporting requirements. She stated she took the opportunity to make a few additional clarity edits prompted by comments that the Independent Regulatory Review Commission (IRRC) made on the State Board of Medicine and State Board of Nursing comparable rulemaking package to ensure consistency.

Ms. Montgomery noted she made all of the changes discussed at the last meeting and drafted the preamble. She added subsection (d) to §§ 47.58, 48.58, and 49.58 regarding the mandatory training requirement to clarify that any exemptions granted under subsection (c) are only applicable for the biennial renewal period for which the exemption is requested also explaining the process that boards use to notify applicants or licensees who have asked for an exemption request.

Ms. Montgomery stated the license will be issued if it is an applicant or renewed if it is a licensee if granted the exemption. She mentioned those denied the exemption will receive a discrepancy notice from Board staff by email notifying them of the need to complete an approved course or to submit additional documentation in support of their request for an exemption, which was a clarity edit to help licensees

understand the process.

2.0

Ms. Montgomery noted §§ 47.51, 48.51, and 49.51, where there was a slight edit to the definition of perpetrator to incorporate the defined term, "person responsible for the child's welfare."

Ms. Montgomery also noted the addition of two paragraphs in subsection (a) of §§ 47.52, 48.52, and 49.52, which is the mandated reporting requirements, to aid in clarity and be consistent with the Child Protective Services Law.

Ms. Montgomery stated IRRC pointed out there was language in the Child Protective Services Law that was not included in the rulemaking notifying mandated reporters that the duty to report continues whether or not they actually see the child. She mentioned IRRC thought providing that language from the Child Protective Services Law would provide clarity and aid in consistency with the Child Protective Services Law.

Ms. Montgomery stated IRRC also noted language was excluded in § 6314 of the Child Protective Services Law from § 47.53, 48.53, and 49.53 requiring summaries or reports of the photographs be made available to law enforcement officials in the course of investigating child abuse that rises to the level of a crime. She noted the language was added to those

1 sections.

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Ms. Montgomery noted clarification to language in §§ 47.58, 48.58, and 49.58 based on a question received from IRRC, where credit for completion of an approved course is applied to both licenses if a licensee holds more than one license issued by the Board or holds a license issued by another licensing board within the bureau that requires mandatory training.

Ms. Montgomery referred to subsection (c) of sections regarding exemptions. She discussed comparable training and the process for people who would be exempt if they take comparable training required by the public school code or otherwise required by the domestic relations code and Child Protective Services Law and added language that it has to be taken during the applicable biennial renewal period for which the exemption is being requested.

Ms. Montgomery also added subsection (d) to clarify that exemptions granted are applicable only for the biennial renewal period for which the exemption is requested.

MS. MONTGOMERY:

At this time, it would be appropriate for the chair to entertain a motion to

9 approve the final-form rulemaking as 1 2 presented. 3 CHAIR CORBY: Do I hear a motion? 4 5 DR. JORDAL: 6 So moved. 7 DR. ELBERFELD: Second. 9 CHAIR CORBY: 10 All in favor, raise your hand. Opposed? 11 Abstentions? 12 [The motion carried unanimously.] 13 * * * Report of Board Counsel 14 15 MS. BLACK: Pursuant to Section 708(a)(5) of the 16 Sunshine Act, prior to today's meeting, 17 the Board entered into Executive Session 18 19 for the purpose of conducting quasi-2.0 judicial deliberations on a number of 2.1 matters before the Board today and to receive advice of counsel. 2.2 2.3 I believe the Board would entertain 2.4 a motion to approve the Consent 25 Agreements at agenda items 2 and 6, Case

10 No. 19-69-015684 and Case No. 18-69-1 2 003784. 3 DR. SANTIAGO: 4 Motion. 5 DR. JORDAL: 6 Second. 7 CHAIR CORBY: All in favor, raise your hand. Those 9 opposed? Abstentions? Recused? 10 [The motion carried unanimously. Case No. 19-69-11 015684 is Elizabeth McDonald Qualmann, LPC. Case No. 12 18-69-003784 is Genevieve Marie Martin, LCSW.] * * * 13 MS. BLACK: 14 15 I believe the Board would entertain a 16 motion to approve the Consent Agreement at item 4 on today's agenda, Case No. 17 19-69-018523. 18 19 CHAIR CORBY: 20 Motion? 21 MS. PAINTER: 22 So moved. 2.3 DR. JORDAL: 24 Second. 25 CHAIR CORBY:

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                  All in favor, raise your hand.
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2
                  opposed? Abstentions? Recusals?
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   [The motion carried. Ms. Keisling, Dr. Kraus, and Ms.
   Martin recused themselves from deliberations and
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   voting on the motion. Case No. 19-69-018523 is
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   Cynthia Lee Martin, LPC.]
                              * * *
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   MS. BLACK:
                  At item 7, I believe the Board would
10
                  entertain a motion to approve as final
11
                  the Adjudication and Order for Cindy
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                  Bello, Case No. 20-69-013649.
   DR. SANTIAGO:
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14
                  Motion.
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   DR. JORDAL:
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                  Second.
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   CHAIR CORBY:
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                  All in favor, raise your hand. Opposed?
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                  Abstentions?
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   [The motion carried. Ms. Painter opposed the motion.]
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   MS. BLACK:
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                  I believe the Board would entertain a
2.4
                  motion to grant the Motion for
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                  Reconsideration and direct Board counsel
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12
                  to draft an Adjudication and Order in
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2
                  due course based on discussions held in
3
                  Executive Session for Barbara Forrest
 4
                  Baurer, LPC, Case No. 19-69-005825.
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   DR. JORDAL:
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                  So moved.
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   MS. KEISLING:
                  Second.
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   CHAIR CORBY:
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                  All in favor, raise your hand. Opposed?
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                  Abstentions?
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   [The motion carried unanimously.]
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                               * * *
14
   Review of Applications
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   MS. BLACK:
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                  I believe the Board would entertain a
                  motion to provisionally deny the
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18
                  Application for item 10, Professional
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                  Counselor by Examination of Edward
20
                  Sutter, Jr.
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   DR. SANTIAGO:
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                  Motion.
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   DR. JORDAL:
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                  Second.
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   CHAIR CORBY:
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13 All in favor, raise your hand. Opposed? 1 2 Abstentions? 3 [The motion carried unanimously.] * * * 4 MS. BLACK: 5 6 I believe the Board would entertain a 7 motion to approve the education for item 8 11, Professional Counselor by 9 Examination of Krystina Green. 10 DR. ELBERFELD: 11 So moved. 12 MS. KEISLING: Second. 13 CHAIR CORBY: 14 15 All in favor, raise your hand. Opposed? 16 Abstentions? [The motion carried. Dr. Jordal opposed the motion.] 17 * * * 18 19 MS. BLACK: 20 I believe the Board would entertain a 21 motion to provisionally deny the Request 22 to Waive the Verification of Clinical 2.3 Experience by Supervisors for item 12, 2.4 Professional Counselor by Examination of 25 Susan Spaid.

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   DR. SANTIAGO:
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                  Motion.
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   DR. KRAUS:
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                  Second.
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   CHAIR CORBY:
                  All in favor, raise your hand. Opposed?
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7
                  Abstentions?
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   [The motion carried unanimously.]
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   MS. BLACK:
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                  I believe the Board would entertain a
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                  motion to approve the Application for
                  item 13, Professional Counselor by
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14
                  Examination of Quiana Golphin.
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   MS. PAINTER:
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                  So moved.
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   DR. SANTIAGO:
                  Second.
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   CHAIR CORBY:
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                  All in favor, raise your hand. Opposed?
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                  Abstentions?
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   [The motion carried. Dr. Jordal opposed the motion.]
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                               * * *
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   MS. BLACK:
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                  I believe the Board would entertain a
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                  motion to provisionally deny the
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                  Application for item 14, Professional
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                  Counselor by Examination of Danielle
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                  Vivas.
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   DR. KRAUS:
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                  So moved.
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   DR. JORDAL:
                  Second.
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   CHAIR CORBY:
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                  All in favor, raise your hand. Opposed?
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                  Abstentions?
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   [The motion carried unanimously.]
                               * * *
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   MS. BLACK:
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15
                  I believe the Board would entertain a
16
                  motion to provisionally deny the Request
17
                  to Review the Application under Act 41
                  for item 15, Professional Counselor by
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19
                  Examination of Jessica Gahr.
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   DR. SANTIAGO:
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                  Motion.
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   DR. EVANS:
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                  Second.
2.4
   CHAIR CORBY:
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                  All in favor, raise your hand. Opposed?
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16 Abstentions? 1 2 [The motion carried unanimously.] 3 MS. BLACK: 4 5 I believe the Board would entertain a 6 motion to approve a provisional license under Act 41 for items 16 through 24 and 26 for Andrea Henry, Lauren Ruhl, Olivia 9 Houston, Samantha Levinson, Kelsey 10 Bates, Jeremy Goshorn, Jeffrey Pincin, 11 Maria Alpoyanis, Kathryn Ashin, and 12 Simone Albeck. MS. PAINTER: 13 14 So moved. 15 DR. JORDAL: Second. 16 CHAIR CORBY: 17 18 All in favor, raise your hand. Opposed? 19 Abstentions? 20 [The motion carried. Dr. Santiago opposed the 21 motion.] * * * 22 2.3 MS. BLACK: 2.4 I believe the Board would entertain a 25 motion to approve a provisional license

17 under Act 41 for items 27, Kaci Griffin. 1 2 MS. PAINTER: 3 So moved. DR. KRAUS: 4 5 Second. CHAIR CORBY: 6 All in favor, raise your hand. Opposed? 8 Abstentions? [The motion carried. Dr. Santiago, Dr. Elberfeld, and 10 Ms. Keisling opposed the motion.] * * * 11 12 MS. BLACK: Regarding item 25, that has been 13 14 withdrawn and, therefore, the Board has 15 not acted on that request. * * * 16 17 Correspondence MS. BLACK: 18 19 Regarding correspondence, the Board is 20 directing the Board administrator to 2.1 send a letter to Lehigh Valley Health 2.2 Network and Patricia Osbourne-Randolph, 2.3 MA, LMFT, based on discussions held in 2.4 Executive Session. * * * 25

1 [Jaime D. Black, Esquire, Board Counsel, thanked Dr.

- 2 | Jordal for his presentation on wellness and how to get
- 3 | through a pandemic at the annual legal education
- 4 | conference.]
- 5 ***
- 6 Report of Board Chair No Report
- 7 | ***
- 8 Report from Other Board Members
- 9 [Jeanne Elberfeld, M.D., LSW, announced her attendance
- 10 at the Association of Social Work Boards orientation
- 11 for new members virtually.]
- 12 DR. ELBERFELD:
- I request permission to be the
- 14 Pennsylvania delegate to their assembly
- in November.
- 16 DR. JORDAL:
- 17 So moved.
- 18 MS. KEISLING:
- 19 Second.
- 20 CHAIR CORBY:
- All in favor, raise your hand. Opposed?
- 22 [The motion carried unanimously.]
- 23 ***
- 24 [Christian Jordal, Ph.D., LMFT, addressed his
- 25 attendance at the Commission for Accreditation of

- 1 | Marriage and Family Therapy Education (COAMFTE)
- 2 | workshop related to the upcoming version 12.5
- 3 standards, which take effect on January 1, 2022. He
- 4 stated the standards include the option for programs
- 5 to early adopt those standards and as part of that
- 6 early adoption it requires course content and
- 7 potentially clinical delivery of hours virtually.
- 8 Dr. Jordal commented that it is going to be
- 9 something the Board will run into, as it relates to a
- 10 lack of clear definition in the regulations of
- 11 teletherapy and teletherapy supervision.
- 12 Chair Corby requested information regarding
- 13 pending regulations.
- 14 Ms. Black commented that the Regulatory Analysis
- 15 | Form (RAF) is being completed but requires updates and
- 16 research.
- 17 Chair Corby questioned whether there was any
- 18 reason the Board could not make immediately the
- 19 application of the supervision because the Board
- 20 agreed that supervision could be done electronically.
- 21 Ms. Black requested more information on the
- 22 regulation.
- Ms. Matter explained that it is a new regulation
- 24 to allow individuals to perform teletherapy
- 25 | supervision and would have to go through the

regulatory process.

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Ms. Black will review the language of the proposed language in conjunction with what is currently in existence and provide a definite answer once she looked at both of those.

Ms. Matter referred to § 48.13(b)(5), where it says it has to be in person, and noted the Board wrote a new section about the requirements for teletherapy and how that is to be completed in the proposed regulations.

Chair Corby commented that regulation concerning supervision would be helpful for everybody, especially since COVID waivers are going to stop at the end of October.

Dr. Jordal stated the Board might see accredited MFT programs move toward the new standards, including possible early adoption in order for students to be able to do some of their hours virtual, both clinical delivery of services and supervision

Dr. Jordal commented that the Board may be faced with future applications, where the Board may not be able to differentiate what is face-to-face in person, versus virtual clinical hours, as well as face-to-face supervision, and virtual supervision. He mentioned there may be applicants who have some hybrid of both,

and the Board does not appear to have a way to differentiate that or confirm what they would accept at this point.

2.2

Ms. Matter referred to § 48.2(6) under practicum, where it is a minimum of 1 year, 300 hours of supervised direct client contact with individuals, couples, and families.

Chair Corby stated it did not state face-to-face because teletherapy is direct. She commented that the Board does not have to worry about it because of the way the regulation is stated but that it is probably going to be true for professional counselors and social workers. Dr. Kraus expressed concern with having different standards for the three professions and suggested Ms. Black make sure whatever she looks into that it includes licensed professional counselors, licensed marriage and family therapists, and licensed social workers.

Commissioner Johnson addressed the current waiver in place requested by the Board with respect to the composition of the supervision hours. He stated it needs to be identified in the ongoing discussions administration and legislature are having with respect to identifying waivers that need to survive beyond the September 30 deadline because after October 1, they

will take shape or form permanently, either
substantively in an amendment to a practice act or an
amendment to existing regulatory language.

Commissioner Johnson noted the question currently is how is the administration or the general assembly is going to implement fast-tracking the various waivers. He commented that the discussion would provide the record for not just the policy staff but executive directors for the Professional Licensure Committee to be able to message the general assembly that this is a priority across all of the disciplines. He thanked Dr. Jordal for his research.

Chair Corby noted the Board would appreciate

Commissioner Johnson conveying their desire for

ongoing teletherapy supervision past the October 1,

2021 date.]

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18 Report of Commissioner

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19 [K. Kalonji Johnson, Commissioner, Bureau of

20 Professional and Occupational Affairs, also thanked

21 Dr. Jordal for his wonderful presentation concerning

22 coping strategies.

Commissioner Johnson addressed attendance at regional and national conferences and conventions. He noted requests for physical travel will be considered,

along with the safety of Board members. He mentioned there are considerations with respect to a preference for virtual participation but also wanted to continue to encourage as much participation from the Board as possible, where one or two Board members traveling physically but then allowing the rest of the Board to attend virtually.

Commissioner Johnson suggested requests be submitted as soon as possible, so those considerations could be made in a timely manner.

2.2

Chair Corby noted more people from the public are attending virtual Board meetings, which saves money for the commonwealth, and requested information concerning future Board meetings.

Commissioner Johnson commented that much work was being done to ensure technology is in place on October 1, 2021. He stated many boards and commissions have physical presence requirements in the practice acts themselves with regard to board meetings and quorum, including the State Board of Social Workers, Marriage and Family Therapists, and Professional Counselors.

Commissioner Johnson noted it has been part and parcel of the conversation around why certain aspects of the waivers are so important and why there needs to be discussion with the general assembly to rethink

some of the existing language because when the practice act was executed, virtual board meetings were not conceived.

2.1

Commissioner Johnson thanked the Board for voicing their concern over the state of the waivers and voicing support for benefits of the virtual platform in light of all of the hardships over the last 15 months.

Commissioner Johnson mentioned that there is a likelihood of going back to Penn Center if the specific requests to amend the various practice acts cannot be made by the end of September by the general assembly.

Chair Corby commented that since the Board meeting would have to take place in Harrisburg, that could mean two Board members being there and the others not.

Commissioner Johnson explained that it would come down to the interpretation in Harrisburg for a quorum and is leaving that in the hands of the Office of Chief Counsel. He noted the intent of the act is ensuring enough Board members are able to substantively participate for a quorum, noting the general assembly could provide some sort of remediation over the next 90 days instead of fighting

1 about this in an administrative court.

Commissioner Johnson noted it could be argued that the presence requirement is satisfied with synchronous video and audio.

Dr. Elberfeld requested information regarding vacancies on the Board.

Commissioner Johnson addressed prior discussions with administration regarding prioritizing not only the vacancies but also members who are currently serving until successor qualifies (USQ) to retain those prized members. He commented that all boards struggle with public membership and have been having a greater struggle over the last 14-15 months trying to fill those positions.]

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16 Report of Board Administrator - No Report

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18 For Your Information

19 | [Joy E. Corby, Ph.D., LMFT, Chair, referred to the

20 letter from the Association of Marriage & Family

21 | Therapy Regulatory Boards (AMFTRB) for the Board's

22 review.]

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24 [The Board recessed from 12:18 p.m. until 12:58 p.m.]

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26 [A Formal Hearing was held from 12:59 a.m. until 1 2 1:42 p.m. in the matter of the Application for a 3 License by Examination to Practice Professional 4 Counseling of Megan Nicole Neil, Case No. 21-69-5 004928.1 * * * 6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at 1:43 p.m. the Board entered into Executive Session with Jaime D. Black, Esquire, Board Counsel, for the 10 purpose of discussing Case No. 21-69-004928. 11 Board returned to open session at 2:00 p.m.] * * * 12 13 Adjournment CHAIR CORBY: 14 15 Do I hear a motion to adjourn? DR. JORDAL: 16 17 So moved. DR. SANTIAGO: 18 19 Second. 20 CHAIR CORBY: 21 All in favor, say aye. Anybody opposed? 22 [The motion carried unanimously.] 2.3 24 [There being no further business, the State Board of

Social Workers, Marriage and Family Therapists, and

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27 Professional Counselors Meeting adjourned at 2 p.m.] 1 * * * 2 3 4 5 6 CERTIFICATE I hereby certify that the foregoing summary minutes of the State Board of Social Workers, Marriage 10 and Family Therapists and Professional Counselors 11 meeting, was reduced to writing by me or under my 12 supervision, and that the minutes accurately summarize 13 the substance of the State Board of Social Workers, 14 Marriage and Family Therapists and Professional 15 Counselors meeting. 16 17 18 19 Evan Bingaman, 20 Minute Clerk 21 Sargent's Court Reporting 22 Service, Inc. 2.3 2.4 25

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STATE	BOARD	OF S	OCIAL	WORKER	S,
MARRIA	GE ANI) FAM	ILY TH	ERAPIST	'S,
AND	PROFES	SSIONA	AL COU	NSELORS	;
	REFI	ERENCE	E INDE	Χ	

1 2 3 4 5 6 7	STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS, AND PROFESSIONAL COUNSELORS REFERENCE INDEX				
6 7		June 15, 2021			
8 9 10 11	TIME	AGENDA			
12 13 14	11:15	Executive Session Return to Open Session			
15 16	11:15	Official Call to Order			
17 18	11:15	Introduction of Board/Public Members			
19 20	11:19	Approval of Minutes			
21 22	11:19	Report of Prosecutorial Division			
23 24	11:26	Report of Regulatory Counsel			
25 26	11:37	Report of Board Counsel			
27	11:52	Review of Applications			
28 29	11:58	Correspondence			
30 31	11:59	Report from Other Board Members			
32 33	12:04	Report of Commissioner			
34 35	12:04	For Your Information			
36 37 38 39	12:18 12:58	Recess Return to Open Session			
40 41 42	12:59 1:42	Formal Hearing - Megan Nicole Neil			
43 44 45	1:43 2:00	Executive Session Return to Open Session			
46 47 48 49 50	2:00	Adjournment			