



# NORTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

P.O. Box 185 · Grafton, ND 58237

Phone: (701) 213-0476 · Fax: (855) 450-2153 · Email: [contact@ndsbcc.org](mailto:contact@ndsbcc.org) · Web: [www.ndsbcc.org](http://www.ndsbcc.org)

## **Minutes of the Special Meeting of the North Dakota State Board of Chiropractic Examiners held December 1, 2021 via Conference Call, Grafton, ND.**

**Call to Order:** Dr. Dion Ficek called the meeting to order at 12:00 PM CST.

**Roll Call:** Those present via teleconference included Dr. Ficek, Dr. Remmick, Dr. Froehling, Dr. Yohe, Dr. Ten Broek, Ms. Mellum, Assistant Attorney General Ms. Allyson Hicks, and Executive Director Lisa Blanchard. Ms. Botz was present from 12:04 – 12:52 PM. Public: There were public attendees on the conference call.

**Reading of the Mission Statement:** Dr. Ficek

As this was a special meeting, no additions to the agenda were permitted.

### **Application:**

*Ms. Botz arrives at 12:04 PM – just after this topic begins.*

Edison Arauz, D.C. As informed after the last meeting, Dr. Arauz has submitted a regular application for chiropractic licensure. Ms. Hicks informed the Board of their options from granting the license with no conditions, to a conditional license, to denial of application. Discussion on the previous sanctions and current suspension in Manitoba was held. No new information on the status of the license in Manitoba has been received or reviewed. A motion was made by Dr. Froehling, second by Dr. Yohe, to send a letter allowing Dr. Arauz to withdraw his application, avoiding reporting to the databank, until the issue in Manitoba is final or the Board will deny the application, which is reportable. A roll call vote was taken with all members voting in the affirmative. (7-0) Motion passed.

### **New Complaint:**

Dr. David Pokorny. Dr. Ficek asks Ms. Hicks about the legal options of the Board for this topic. Dr. Ficek requests recusal from this topic, for consistency with the other cases regarding the Pokorny and Custer families. A motion was made by Dr. Froehling, second by Dr. Remmick, to recuse Dr. Ficek from this topic. A roll call vote was taken with Remmick, Froehling, Yohe, Ten Broek, Mellum, and Botz voting in the affirmative. Ficek abstaining. (6-0-1) Motion passed. Topic is discussed fully later in meeting.

### **Cases:**

*Dr. Remmick, Vice President, takes over the meeting. Dr. Ficek recused.*

Dr. Jeffrey Pokorny (#2021-03). The Board discussed the response provided by Dr. Pokorny. All agreed that during the investigation, Dr. Pokorny originally lied to the Board and then later responded truthfully. After further discussions were held regarding the information contained in the provided records, a motion was made by Dr. Ten Broek, second by Ms. Mellum, to request a follow-up response, prior to the January

2022 meeting, to include additional explanations regarding the billing information provided and a fee schedule. A roll call vote was taken with Remmick, Froehling, Yohe, Ten Broek, Mellum, and Botz voting in the affirmative. Ficek abstaining. (6-0-1) Motion passed.

*Dr. Ficek takes over the meeting.*

Dr. Ten Broek (#2021-04). Discussion was held regarding Dr. Ten Broek's response to the complaint. Additional discussion was held on Board options as the CCCA was not truthful with Dr. Ten Broek, but Dr. Ten Broek failed to follow-up. A motion was made by Dr. Yohe, second by Dr. Remmick, to offer Dr. Ten Broek a conditional dismissal for the violation of 17-03-01-01(18) with a \$500.00 Administrative Fee. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Mellum, and Botz voting in the affirmative. Ten Broek abstaining. (6-0-1) Motion passed.

*Dr. Remmick, Vice President, takes over the meeting. Dr. Ficek recused.*

*Ms. Botz exits the meeting at 12:52 PM.*

Dr. Mason (Pokorny) Custer (#2020-04). The report has been received. No board member had specific questions regarding the report, therefore the Board did not move to executive session. A motion was made by Dr. Yohe, second by Ms. Mellum, to remove the conditional license status. A roll call vote was taken with Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Ficek abstaining; Botz absent. (5-0-1-1) Motion passed. Further discussion was held regarding the original complaint and the delays in the process. A motion was made by Dr. Froehling, second by Dr. Yohe, to dismiss and close case #2020-04. A roll call vote was taken with Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Ficek abstaining; Botz absent. (5-0-1-1) Motion passed.

*Dr. Ficek takes over the meeting.*

#### **Application:**

Brandy Vetter – CCCA. Dr. Ficek indicated the board would move to executive session if any board member wanted to discuss or required further information. All board members were satisfied with the self-disclosure of the applicant and did not require further information. A motion was made by Dr. Yohe, second by Dr. Ten Broek, to grant Ms. Vetter her CCCA license. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent. (6-0-1) Motion passed.

#### **New Complaints:**

Dr. Ficek confirms with Ms. Hicks that the Board can move to a single executive session for both new complaints vs. entering and exiting executive session multiple times. The complaints are to be discussed separately with Dr. Ficek and Dr. Remmick each leading a single complaint based upon Dr. Ficek's recusal.

Dr. Michael Mack & Cassandra Sampson (#2021-05) and Dr. David Pokorny (#2021-06). A motion was made by Dr. Froehling, second by Dr. Yohe, to move to Executive Session to discuss these complaints. The legal authority for this executive session is N.D.C.C. Section 44-04-19.2(1) Closed or Confidential records; and N.D.C.C. Section 43-06-15(2) Reports are not public record. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent. (6-0-1) Motion

passed. The Executive Session began at 1:09 PM CST. The roll was taken with Dr. Ficek, Dr. Remmick, Dr. Froehling, Dr. Yohe, Dr. Ten Broek, Ms. Mellum, Ms. Hicks, and Ms. Blanchard in attendance. The Executive Session was recorded as required by law. The 2 topics were discussed separately with Dr. Ficek leading #2021-05 and Dr. Remmick leading #2021-06. A motion was made by Dr. Yohe, second by Ms. Mellum, to adjourn the executive session and to return to open meeting. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent. (6-0-1) Motion passed.

Dr. Michael Mack & Cassandra Sampson (#2021-05). Dr. Ficek instructed Ms. Hicks to proceed as discussed in the executive session.

*Dr. Remmick, Vice President, takes over the meeting. Dr. Ficek recused.*

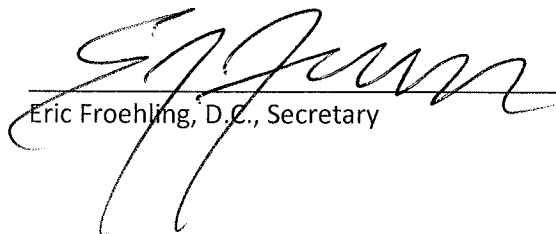
Dr. David Pokorny (#2021-06). Based on the discussion held in the executive session, a motion was made by Dr. Yohe, second by Dr. Froehling, to dismiss the complaint as outside of our jurisdiction. A roll call vote was taken with Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Ficek abstaining; Botz absent. (5-0-1-1) Motion passed.

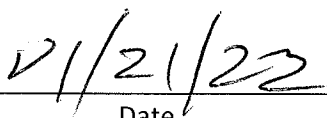
*Dr. Ficek takes over the meeting.*

**Per Diem.** A motion was made by Dr. Froehling, second by Dr. Yohe, to pay a full per diem payment (\$250.00) for this meeting. A roll call vote was taken with Ficek, Remmick, Froehling, Yohe, Ten Broek, and Mellum voting in the affirmative. Botz absent. (6-0-1) Motion passed.

**Adjourn:** A motion was made by Dr. Yohe, second by Dr. Ten Broek, to adjourn the meeting. Motion passed. The meeting ended at 1:28 PM CST.

These minutes were prepared by Lisa Blanchard, Executive Director, for signature by Dr. Eric Froehling, Secretary.

  
Eric Froehling, D.C., Secretary

  
Date