



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 · Web: www.ndsbcc.org

Minutes of the Special Meeting of the North Dakota State Board of Chiropractic Examiners held August 22, 2022 via Zoom.

Call to Order: Dr. Eric Froehling called the meeting to order at 12:00 PM CST.

Roll Call: Those present included Dr. Froehling, Dr. Ten Broek, Ms. Mellum, Dr. Remmick, Dr. Ficek, Dr. Yohe, Assistant Attorney General Ms. Allyson Hicks, Special Assistant Attorney Nathan Svihovec, and Executive Director Lisa Blanchard. Absent: Ms. Botz. Public: There were public attendees on the Zoom.

Reading of the Mission Statement: Dr. Froehling

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

Agenda:

Dr. Jeffrey Pokorny (#2022-02). Dr. Pederson, Dr. Holkup, and Dr. Swanson were contacted regarding appointment to the Peer Review Committee. Dr. Holkup accepted. Dr. Swanson reluctantly accepted, and Dr. Pederson rejected. Discussion on other possible license holders was held including replacing Dr. Swanson, if possible. A motion was made by Dr. Ten Broek, second by Dr. Remmick, to allow the President and Executive Director to contact Dr. Joel Weiss, Dr. Kris Anderson, Dr. Jeffrey Askew, and Dr. Dean Redington. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, and Yohe voting in the affirmative. Ficek recused. Botz absent. Motion passes (5-0-1-1).

Dr. Schmitz – Remand & Consideration of Settlement Offer to resolve Schmitz v. Board of Chiropractic Examiners, Case No. 2020-CV-01829. Mr. Svihovec and Ms. Hicks provided updates and explanations regarding the status of this case from the recent decisions of the ND Supreme Court. They also noted the settlement offer provided by Dr. Schmitz. Ms. Hicks explained that an executive session may only be held for attorney consultation and for negotiating instructions to our attorney. A motion was made by Dr. Ficek, second by Dr. Ten Broek, to move to Executive Session for the discussion of this case. The legal authorities for this Executive Session are N.D.C.C. 44-04-19.1(2) Attorney Consultation; and N.D.C.C. 44-04-19.1(9) Negotiating Instructions to the Attorney. A roll call vote was taken with Froehling, Ten Broek, Ficek, and Yohe voting in the affirmative. Remmick voting negative. Mellum recused. Botz absent. Motion passes (4-1-1-1). The Executive Session began at 12:19 PM CST. Attending the executive session were Dr. Froehling, Dr. Ten Broek, Ms. Mellum, Dr. Remmick, Dr. Ficek, Dr. Yohe, Ms. Hicks, Mr. Svihovec, and Ms. Blanchard. The Executive Session was recorded as required by law. The Executive Session ended at 1:11 PM CST and the meeting was reopened.

Upon returning to the meeting, Ms. Hicks explained the motion needed. A motion was made by Dr. Ten Broek, second by Dr. Yohe, to reject the proposed settlement offer and to have Mr. Svihovec provide a counteroffer with the negotiating instructions provided during the executive session. A roll call vote was taken with Froehling, Ten Broek, and Yohe voting in the affirmative. Remmick and Ficek voting negative. Mellum recused. Botz absent. Motion passes (3-2-1-1).

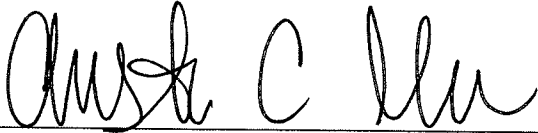
Due to time, Dr. Froehling tabled agenda items: Froehling/NBCE Special Meeting Per Diem Request; Dr. Lance Wiegel (#2022-01); and Dr. Matthew Christenson (#2022-03) until the September 21, 2022 Board Meeting.

Dr. Daniel Pozarnsky (#2022-06). The Board received a response. The response did not include all items that the Board requested. A motion was made by Dr. Ficek, second by Ms. Mellum, to re-issue the request to respond. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Botz absent. Motion passes (6-0-1).

Per Diem. A motion was made by Dr. Ficek, second by Dr. Yohe, to pay a full per diem payment (\$250) for this meeting. A roll call vote was taken with Froehling, Ten Broek, Mellum, Remmick, Ficek, and Yohe voting in the affirmative. Motion passes (6-0-1).

Adjourn: A motion was made by Dr. Ficek, second by Dr. Ten Broek, to adjourn the meeting. Motion passed. The meeting ended at approximately 1:16 PM CST.

These minutes were prepared by Lisa Blanchard, Executive Director, for signature by Ms. Christa Mellum, Secretary.



Christa Mellum, Secretary

10/12/22

Date