



NORTH DAKOTA BOARD OF CHIROPRACTIC EXAMINERS

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Minutes of the Special Meeting of the North Dakota State Board of Chiropractic Examiners held October 26, 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. Ficek, Dr. Yohe, and Dr. Rokke. Also present were Assistant Attorney General Ms. Allyson Hicks, Special Assistant Attorney Mr. 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:

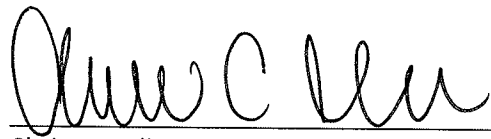
Dr. Schmitz. 1) Remand & Consideration of Settlement Offer to resolve Schmitz v. Board of Chiropractic Examiners, Case No. 2020-CV-01829; and 2) Dr. Schmitz v. ND Bd of Chiropractic Examiners – complaint dated October 19, 2022. Ms. Hicks provided a general update and timeline of the information, settlement offers, and the complaint that was served on the OAG that have occurred since the board's last meeting on this topic. She also indicated that a single executive session to discuss both items was appropriate as the legal authorities for both topics were the same and that the negotiating strategy for both would depend on each other. Ms. Hicks also reminded the board members that the executive session may only be held for attorney consultation and for negotiating strategy and 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 these topics. 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 Strategy or Instructions to the Attorney. A roll call vote was taken with Froehling, Ten Broek, Ficek, Yohe, and Rokke voting in the affirmative. Mellum recused. Botz absent. Motion passes (5-0-1-1). The Executive Session began at 12:09 PM CST. Attending the executive session were Dr. Froehling, Dr. Ten Broek, Ms. Mellum, Dr. Ficek, Dr. Yohe, Dr. Rokke, Ms. Hicks, Mr. Svihovec, and Ms. Blanchard. The Executive Session was recorded as required by law. The Executive Session ended at 12:45 PM CST and the meeting was reopened.

Upon returning to the meeting, a motion was made by Dr. Ten Broek, second by Dr. Yohe, to have Mr. Svihovec proceed as directed during the executive session. A roll call vote was taken with Froehling, Ten Broek, Ficek, Yohe, and Rokke voting in the affirmative. Mellum recused. Botz absent. Motion passes (5-0-1-1).

Per Diem. A motion was made by Dr. Yohe, second by Dr. Ficek, to pay a full per diem payment (\$250) for this meeting. A roll call vote was taken with Froehling, Ten Broek, Mellum, Ficek, Yohe, and Rokke 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 12:48 PM CST.

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



Christa Mellum, Secretary

01-30-23

Date