



# 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 January 24, 2024 via Zoom.**

**Call to Order:** Dr. Sheri Ten Broek called the meeting to order at 12:00 PM CST.

**Roll Call:** Those present included Dr. Ten Broek, Dr. Yohe, Ms. Mellum, Dr. Froehling, Dr. Rokke, and Dr. Askew. Absent: Ms. Botz. Also present were Executive Director Lisa Blanchard, AAG Allyson Hicks, AAG Austin Lafferty, and AAG Courtney Titus (joined the meeting at 12:10 PM). Public: There were public attendees present.

**Reading of the Mission Statement:** Dr. Ten Broek

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

### **Agenda:**

*Litigation:* Dr. Schmitz v. ND Bd of Chiropractic Examiners, Case No. 08-2022-CV-02783. Ms. Hicks provided some general information about the cases. There are currently two lawsuits, one has been filed, and one has been served, but has not been filed with the court and does not have a case number. She provided general information on the continuation of settlement negotiations. The Board's litigation counsel has held discussions with Dr. Schmitz's attorney regarding settlement. To continue with the negotiations between parties, Ms. Hicks requested that the Board permit a stay of 08-2022-CV-02783 while the negotiations proceed. A motion was made by Dr. Yohe, second by Dr. Froehling, to allow our litigation counsel to stipulate a temporary stay for 08-2022-CV-02783. A roll call vote was taken with Ten Broek, Yohe, Froehling, Rokke, and Askew voting in the affirmative. Mellum recused. Botz absent. Motion passes (5-0-1-1).

Ms. Hicks then advised that the Board could move to executive session for attorney consultation to receive advice regarding the pending civil litigation and the legal risks, strengths, and weaknesses of the action. It was also her opinion if the discussion was held in an open meeting it could have an adverse fiscal effect on the Board. A motion was made by Dr. Froehling, second by Dr. Askew, to move to executive session. The legal authority for the Executive Session is N.D.C.C. 44-04-19.1(2) Attorney Consultation. A roll call vote was taken with Ten Broek, Yohe, Froehling, Rokke, and Askew voting in the affirmative. Mellum recused. Botz absent. Motion passes (5-0-1-1). The Executive Session began at 12:11 PM CST. Attending the Executive Session were Dr. Ten Broek, Dr. Yohe, Ms. Mellum, Dr. Froehling, Dr. Rokke, Dr. Askew, Ms. Hicks, Mr. Lafferty, Ms. Titus, and Ms. Blanchard. The Executive Session was recorded as required by law. The Executive Session ended at 12:52 PM CST and the meeting was reopened.

Upon return to the open meeting, Ms. Hicks advised the motion needed. A motion was made by Dr. Froehling, second by Dr. Yohe, to direct litigation counsel to negotiate settlement agreement language that is acceptable to both parties' legal counsel and then brought to the Board for review and consideration. A roll call vote was taken with Ten Broek, Yohe, Froehling, Rokke, and Askew voting in the affirmative. Mellum recused. Botz absent. Motion passes (5-0-1-1).

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

**Adjourn:** A motion was made by Dr. Yohe, second by Dr. Askew, to adjourn the meeting. Motion passed. The meeting ended at approximately 12:54 PM CST.

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

**Signature:** Christa Mellum  
Christa Mellum (Apr 22, 2024 09:25 CDT)  
**Email:** ndsbce.mellum@gmail.com

04/22/2024

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Christa Mellum, Secretary

Date