



Oregon

Theodore R. Kulongoski, Governor

Board of Massage Therapists

748 Hawthorne Ave NE

Salem, OR 97301

Phone: (503) 365-8657

Fax: (503) 385-4465

www.oregon.gov/OBMT

BOARD MEETING MINUTES

March 8, 2010

Attendance

Board Members:

Kathy Calise, Public Member, Chair
Heather Bennouri, LMT, Vice Chair
Jeanna Catalano, LMT
Crystal Collier, LMT
David Fredrickson, LMT
Craig McMillin, Public Member
Tim Driscoll, D.C., Public/Health Member

Staff:

Frank Peccia, Interim Executive Director
Mindy Tucker, Director of Compliance
Diana Nott, Enforcement Coordinator
Lori Lindley, Assistant Attorney General

Public:	Claudia Black	Peter Frothingham	Jane Crawford	Alyssa Young
	Elise Morris	Camron Dunn	Sandra Stafford	Kristina West
	Cindy Robert	Noel Wright	Ute Munger	Tammy Felix
	Michael Jordan	Jesse Hickerson	Diana Vitells	Jenn Hodges
	Rose Jade	Deborah Skell	Darci LaBonte	Gregory Olson
	Patty Glenn	Sande Maxwell	Lisa Barck Garofalo	

Call to Order

Calise called the meeting to order at 9:05 am. Role call was performed. **Calise, Bennouri, Catalano, Collier, Driscoll, Fredrickson and McMillin** were present. There was an introduction of Board members to the public in attendance at the meeting.

1) **Approve Agenda - Driscoll** moved to approve the agenda as presented. **Second the Motion: Collier**
In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None.
Motion carries.

2) Public Comments –

Each member of the public introduced themselves to the Board. Most attendees voiced concerns over the recent changes with the Board and were hoping to get some answers regarding the new direction of the Board.

Calise introduced Frank Peccia, the Interim Executive Director, to those in attendance.

3) **Approve minutes of January 11, 2010** – The board reviewed the minutes and noted a change to be made to page 9 of 11 regarding the motion of case #730. **Bennouri moved** to approve the minutes as amended. **Second the Motion: Driscoll** **In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.** There was some discussion on getting draft minutes posted to the web site in a timely manner, allowing for information to be disseminated to the public more quickly.

4) Directors Report –

- a) **Finances** – **Peccia** has reviewed the finances and provided the Board with information on financial status of the Board. The Board reviewed the Profit & Loss statements for July 2009 through December 2009 as well as for July 2008 through June 2009. The Board also reviewed a balance sheet as of December 31, 2009. It was noted that there was a small drop in revenue during this fiscal year, compared to the last fiscal year. It was noted that staffing costs increased significantly. There was discussion on some of the changes that are impacting the bottom line by comparing the prior year's costs to the current biennium. **Peccia** also reported on some of the internal changes, such as outsourcing payroll and other administrative changes.
- b) **General updates** – There were no other updates to present at this time.

5) **Visit with Representative Greenlick** – Representative Greenlick was unable to attend today's meeting. The Board will reschedule with him.

6) Committee Updates

- a) **Education/Scope of Practice Committee** – **Lisa Barck Garofalo** reported that this committee has not had a meeting yet for 2010. When they last met, they were working on distance education and a portfolio review process. It is believed that this committee has gone as far as it is able without further direction from the Board. **Calise** questioned if the Board had received any reports on the progress of the committee thus far. **Barck Garofalo** indicated that she would resubmit a report to the Board. **Calise** indicated that it would be reviewed by the Board at the next Board meeting. **Fredrickson** asked if this committee has a representative on the Multiple Discipline Task Force (MDTF)? **Calise** indicated that there was not, as the committees are addressing separate issues at this moment. **Barck Garofalo** indicated that there was interest in having committee members attend the MDTF meeting. It was then clarified that John Combe chairs the MDTF and is a participating member of the Education/Scope of Practice committee. Once the committee is reactivated, there may be cross-participation, but at this point that is not the case.
- b) **Multiple Discipline Task Force** – **Collier** reported that the MDTF last met on Friday, February 26, 2010. The task force asked for clarification from the Board on two points and felt that they would be unable to continue without that clarification. They felt that they needed a clear directive from the Board in regards to what they should be doing and they asked for transparency and information on any directives given to the Board from the legislative body. **Calise** provided the Board with an e-mail that she had received pertaining to the desires of the Health and Human Services Committee, as well as information from the AMTA web site with their understanding of the desires of the legislature. **McMillin** voiced concerns about getting a draft out in a timely manner. He indicated that Senator Johnson was appreciative of the work being done and that it was the general desire to resolve scope of practice issues without taking up additional legislative time. He suggested that **Calise** and **Collier** put something together for review at the next Board meeting. **Bennouri** asked **Collier** if this information would address the issues that the Task Force was having. **Collier** believed that it would. **Cindy Robert** indicated that it was her opinion that the directive from the Health and Human Services Committee was quite clear. Prior to the 2011 legislative session, the OBMT shall contract with a private entity that will report to the interim committee. The Board will obtain and disseminate the information from the Health and Human Services Committee.

Claudia Black, the Governor's Health Policy Advisor, arrived at 9:51 am. **Calise** introduced her to the attendees. At this time, **Black** made herself available to answer any questions that the public may have.

Many of the participants indicated that there were rumors of consolidation and this was causing a great deal of angst within the community. The question was posed, is the Board to be consolidated, when would that come into play and what effects would there be? **Black** stated that there is no definitive response to that question. The Government Reset Cabinet has asked that all Boards and Commissions be looked at, and the health-related licensing boards are part of that review. She further stated that the chances of a suspension of the Board are extremely remote and would take legislative action. She further stated that she has no doubt that massage will continue to be a licensed, regulated profession in Oregon.

Concerns were raised about the investigative and disciplinary processes with consolidation. Would another licensed professional be investigating and disciplining massage therapists, or would violations of massage law be swept under the rug because they are considered "lesser concerns" than larger professions? **Black** indicated that it was understood that professionals need to be disciplined by their peers. She will be working with Representative Val Hoyle to try to improve the effectiveness and efficiency of health related licensing boards. Meetings will be held that will consist of Executive Directors from the various Boards, Board Chairs and representatives from the professional associations. They are concerned with administrative efficiencies and have no interest in having other licensed professionals investigate or make rules for massage. She communicated that the importance of keeping the Board structure intact is quite understood. **Black** asked that those in attendance help to quell the rumors and put to rest the idea that massage will no longer be a licensed profession or that the profession isn't validated. That is not the case and getting that information out to the licensees would be very helpful.

It was asked how one would know when those meetings will occur. **Black** indicated that the Board will be notified and then the Board can disseminate that information to the licensees.

It was asked how the determination to replace the Executive Director came about. **Black** indicated that HB2118 was passed last legislative session. This change meant that the Executive Directors for all health related licensing boards serve at the pleasure of the Governor. He has made the decision to take the Board into a new direction. This caused angst amongst many of the attendees and again, concerns were voiced about being consolidated with another agency. **Black** indicated that as she addressed earlier, the structure of the Board would remain the same in terms of licensing and disciplining. It is meant to strengthen the administrative processes and is not meant to be looked at as a means of no longer licensing massage therapists or suspending the Board.

Cindy Robert explained that the change in Executive Director and the consideration of consolidation are two separate issues. It is her desire to calm the worries of the licensees. She indicated that her contact information can be obtained from the AMTA-Oregon web site and that she would be happy to address any concerns that anyone has, even if they are not an AMTA member.

It was asked if the Board would put out an official statement to help calm the concerns. **McMillin** stated that this would not be the Board's function. However, there was some discussion about **Black** working with the Board to create a statement to provide to the public. It is very much understood that the silence and lack of communication are feeding into the concerns that are being raised.

Tammy Felix expressed concern that the uncertainties have insurance companies taking advantage and causing problems with some LMT's.

Sande Maxwell indicated that this process (reviewing the structure of the Board) has occurred a couple of times over the past 24 years and reminded the group that in a legislative process, rumors abound and change by the second. She asked that LMT's please not panic, do not take every rumor as truth and do not make a decision until it's in writing.

Patty Glenn stated that she was pleased to see a full house. She acknowledged the need to have LMT's participate and make their voices heard and encouraged those in attendance to stand up for their profession and help the process move forward.

Peter Frothingham indicated that the lack of communication with the change of Executive Director caused quite a concern and that many would have liked to have known in advance. It caused concerns that the Governor may be able to use his power in a political manner as opposed to more effective operation of the Board. **Black** assured everyone that this was not the case and involved personnel issues that she and the Board are not at liberty to discuss.

Black further explained that in the past, the Governor has had responsibility over the various Boards and Commissions. However, he previously did not have the authority to do anything about it. It was quite a precarious situation to be in – to be responsible for the operation of an entity but not to be able to address any concerns or issues.

It was asked if the MDTF would be part of the restructuring process, as some of those participants share concerns about being regulated appropriately and fear of being rolled under inappropriate organizations. It was explained that the MDTF is a separate issue and is being addressed by the Board, not as part of the changes from the Governor's office.

McMillin reiterated that the massage profession in Oregon is not under attack.

It was asked what could be expected with the time line for hiring a new Executive Director and how that happens. The Department of Administrative Services (DAS) has a Human Resources (HR) department. They will have an executive recruiter work with the Board to develop a job description and create whatever other materials might be needed. They will begin actively recruiting in another month or so. **Calise** was thinking that a new Executive Director could be in place by July 1, 2010. The decision on who to hire for that position will be a collaborative process. The Board will hire, with the ultimate approval of the Governor's Office.

Concerns were voiced about having an Executive Director in place that is not a licensed professional. It was explained that in most cases of Boards and Commissions, the Executive Director is not licensed in the field that they are regulating.

Bennouri moved to break at 10:38 am. **Second the motion: Driscoll** In favor: **Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise.** Opposed: None. Motion carries.

The Board returned from break at 10:50 am.

7) Board Business

- a) **Frank Peccia Interim Contract** – The Board discussed the contract for Frank Peccia as Interim Executive Director of the Board. It was questioned if benefits should be defined, as the Board is not clear on what “normal standard state benefits” consist of and what the cost will be to the Board. **Bennouri moved** to approve the salary of \$8,365 per month as stated in the contract and review the benefits retroactively. **Second the motion: McMillin**
In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.
- b) **Board Member Mini-Training** – There will be no training today.
- c) **2010 Legislative Session** – The Board was not aware of any bills from the 2010 session that had any significant impact on the OBMT. **McMillin** would like to see that the Board has a protocol in place and finalized by the end of year, so that the Board will understand how to work with the legislature. This is scheduled to be a topic at the work session. **Cindy Robert** suggested that the board review HB3696, which changed some requirements for semi-independent agencies and how they report to Ways and Means.
- d) **Board Special Committees** – **McMillin** suggested putting the committees on hold until after the hiring of a new Executive Director, except for issue of the legislative protocol.
- e) **Change in Board Meeting Schedule** – The Board discussed the merits of returning to monthly meetings. There was discussion on making the following changes: Add April 5, 2010; add June 7, 2010; change July's traveling meeting to a one-day meeting on July 12, 2010; add August 9, 2010; add a traveling meeting on September 10-11, 2010 for the North Coast area; add October 4, 2010; and remove the All-schools meeting for now. Staff will research options for Astoria or Seaside for the September 10-11, 2010 meeting and work session. **McMillin moved** to approve the Board calendar as amended. **Second the motion: Catalano. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**
- f) **New Direction of the Board** – The bulk of this issue was addressed earlier in the meeting by **Claudia Black**. There was further discussion on what to expect with the time line and when the Board can receive information. It was suggested that a sub-committee (hiring committee) could take care of the preliminary processes on a timely manner and have most things addressed before it comes to the full Board for review. **McMillin moved** to form an ad hoc screening committee, to be comprised of not less than two Board members, to address the needs of hiring the new Executive Director. **Second the motion: Collier. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**
- g) **Subpoena Authority** – **Bennouri moved** to delegate the authority of the Board under ORS 687.122 for investigation and subpoenas for signature of necessary documents to be allowed by the Executive Director of the Board. In addition, **Bennouri moved** to ratify any actions taken by the current Executive Director since the last Board meeting, which would reflect case #962. **Second the motion: McMillin. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**
- h) **Memo re: law update to ORS 676.165** – Tucker provided the Board with an informational memorandum to the Board members.
- i) **Landlord/Tenant Agreement** – The existing landlord/tenant agreement needs to be changed to include Peccia's signature. There was discussion on how this lease agreement was reached, which included updates to the office space at no additional cost and competitive bidding. **McMillin moved** to approve the addendum to the lease as presented to the Board. **Second the motion: Bennouri. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

8) Public Forum –

Lisa Barck Garofalo thanked the Board for having **Claudia Black** speak to attendees. She feels that it helped to hear from the Governor's Office. She also welcomed **Peccia**.

It was asked who sets the licensing fees and if the new direction of the Board will bring an increase in fees. It was stated that this is not an issue before the Board at the moment. However, it was explained that if the Board were to suggest an increase in fees, the licensees would be notified well in advance and the Board would have to go through a hearing process to complete such a change.

One participant stated that she felt there was no need to be lenient with the law enforcement cases before the Board.

The Oregon Board of Massage Therapists will now meet in executive session, pursuant to ORS 192.502(9), 36.224(6), 36.220(1)(a), and OAR 334-001-0051(6). The Board may also consider and discuss in executive session information obtained as part of an investigation of a licensee or applicant, pursuant to ORS 192.660(2)(k). The Board may also review, consider, and discuss written legal advice provided by the Department of Justice that is confidential or privileged and exempt from disclosure under ORS 192.502(9) and ORS 40.225 and other applicable authority.

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of executive session, the Board will return to open session and welcome the audience back into the room.

The Board entered into Executive Session at 11:37 am per ORS 192.660(2)(k) and 192.660(2)(i) and returned to Public Session at 1:47 pm.

9) Executive Session -

- a) **Law Enforcement (192.660(2)(k))**
- b) **Pending Payment (192.660(2)(i))** – Defer until further information arrives for the Board to review.
- c) **HB 2059** – New changes to the law that affects the OBMT. HB2059 information will be drafted and provided to stakeholders via the BOARDerline.

10) Executive Session Action

- a) **Case 756 – Driscoll moved to close as Board lacks jurisdiction. Second the motion: Catalano. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**
- b) **Case 873 – Bennouri moved to issue a letter of concern. Second the motion: Fredrickson. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**
- c) **Case 877 – Driscoll moved to close as allegations unfounded. Second the motion: Bennouri. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

- d) **Case 879 – Bennouri moved to close as no violation found. Second the motion: Catalano. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**
- e) **Case 907 – McMillin moved to grant the applicant his massage license with the following conditions: that he violate no laws or ordinances; that he comply with all terms and requirements of his probation; that there is no violation of his licensure requirements including ethics and disciplinary matters; that he continue to regularly attend AA or a 12-step program and have regular communication with his sponsor; that he complete all court mandates requirements in a timely and immediate manner; that his employment shall be restricted to a group setting as an employee of a business or under the direction of another licensed healthcare professional; that he shall communicate no less than monthly with Tucker by whatever method or manner she chooses and to comply with whatever reasonable requirements she makes of him; that he shall appear before the Board at the June 2010 meeting and again at the November 2010 Board meetings for updates on his progress; that the Board shall reserve to itself the right to amend, modify or change these requirements at any time upon reasonable notice to the Licensee; and that these conditions are binding for the duration of his probation. Second the motion: Driscoll. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**
- f) **Case 911 – Collier moved to issue a Notice of Proposed Action for one violation of OAR 334-040-0010(5), the use of false or misleading advertising, which includes but is not limited to advertising massage, using the term “massage” or any other term that implies a massage technique or method in any private or public communication or publication by a person licensed or not licensed as a massage therapist; and seven violations of OAR 334-040-0010(11), practicing or purporting to practice massage when the license has been revoked or suspended, lapsed or inactive; for a total civil penalty of \$7,500. Second the motion: Driscoll. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**
- g) **Case 967 – Catalano moved to revoke LMT’s massage license for one violation of OAR 334-040-0010(19)(a)(C)(i), for disrobing or draping practices which reflect a lack of respect for client’s privacy; and three violations of OAR 334-040-0010(19)(a)(C)(iii), unprofessional or dishonorable conduct for sexual impropriety... examination or touching of genitals. Second the motion: Bennouri. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**
- h) **Case 850 – McMillin moved to close as no violation found. Second the motion: Catalano. McMillin noted that the Board had requested the complaint be investigated by an impartial party and the Board obtained the services of an investigator through the Oregon Department of Administrative Services who thereafter conducted a thorough investigation and provided a written opinion to the Board which stated in part that “there is no tangible evidence that a compensation or expectation of compensation arrangement as defined by OAR 334-001-0060(11) existed... therefore there is no evidentiary foundation to support the allegation... of assisting or permitting unlicensed practice under OAR 334-040-0010(10).” Thereupon the motion was unanimously approved. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**
- i) **MISC – Bennouri moved to clarify the September 2009 meeting minutes that the OBMT will have a mandatory freeze on COLA and merit increases for management with no furlough days, to be reevaluated for the next fiscal year. Any overpayments made to staff can be reimbursed across one to three paychecks upon agreement with the Executive Director and involved staff. Second the motion: McMillin. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**
- j) **Executive Session Closed Case Report – Bennouri moved to close the following cases. Second the motion: Driscoll. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

Case No. 811	
Allegation: No license number in ad	Closed: Compliance met
Case No. 824	
Allegation: Unprofessional conduct	Closed: Letter of concern
Case No. 827	
Allegation: Scope of practice issue	Closed: Allegations unfounded
Case No. 872	
Allegation: Unprofessional conduct	Closed: Unable to substantiate
Case No. 942	
Allegation: No license number in ad	Closed: Compliance met
Case No. 948	
Allegation: No license number in ad	Closed: Compliance met
Case No. 961	
Allegation: Competency concerns & failure to disclose	Closed: Board lacks jurisdiction
Case No. 963	
Allegation: No license number in ad	Closed: Compliance met
Case No. 969	
Allegation: No license number in ad	Closed: Compliance met
Case No. 971	
Allegation: No license number in ad	Closed: Compliance met
Case No. 978	
Allegation: Other	Closed: Board lacks jurisdiction
Case No. 979	
Allegation: No license number in ad	Closed: Compliance met
Case No. 980	
Allegation: No license number in ad	Closed: Compliance met
Case No. 981	
Allegation: Non-compliance with an existing Board order	Closed: Compliance met

11) Public Session Action

- a) **Case 826** (*Carmen Medrano*) – **Bennouri** moved to close as Respondent unreachable. **Second the motion: Catalano.** In favor: **Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise.** **Opposed: None.** **Motion carries.**
- b) **Case 860** – (*Shalyn Newman*) – **McMillin** moved to issue a Notice of Proposed Action for one violation of ORS 687.021(1), practicing massage without a license; for a total civil penalty of \$500; and forward to the Oregon Board of Cosmetology. **Second the motion: Driscoll.** In favor: **Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise.** **Opposed: None.** **Motion carries.**

Bennouri moved to return to Executive Session per ORS 192.660(2)(k), at 2:10 pm. **Second the motion: McMillin.** In favor: **Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise.** **Opposed: None.** **Motion carries.**

The Board returned to Public Session at 2:13 pm.

- c) **Case 871** – (*Theresa Carnicelli*) – **Collier** moved to issue a Notice of Proposed Action for one violation of ORS 687.021(1), practicing massage without a license; and three violations of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$3,500. **Second the motion: Catalano.** In favor: **Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise.** **Opposed: None.** **Motion carries.**
- d) **Case 887** – (*Jeremy Brandt*) – **Bennouri** moved to issue a Notice of Proposed Action for one violation of ORS 687.021(1), engaging in the practice of massage without a license; and three violations of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$3,500. **Second the motion: McMillin.** In favor: **Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise.** **Opposed: None.** **Motion carries.**
- e) **Case 898** – (*Clea Huot*) – **Driscoll** moved to issue a Notice of Proposed Action for three violations of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$2,500. **Second the motion: Collier.** In favor: **Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise.** **Opposed: None.** **Motion carries.**
- f) **Case 903** – (*Alexandria Cater, a.k.a. Janet Foxx*) – **Bennouri** moved to issue a Notice of Proposed Action for one violation of ORS 687.021(1), purporting to be in the practice of massage without a license; and eight violations of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$8,500. **Second the motion: McMillin.** In favor: **Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise.** **Opposed: None.** **Motion carries.**
- g) **Case 910** – (*Hayley McElle-Farr*) – **Bennouri** moved to issue a Notice of Proposed Action for one violation of ORS 687.021(1), purporting to be in the practice of massage without a license; five violations of ORS 687.021(2)(a), advertising massage without a license; five violations of OAR 334-040-0010(5), the use of false or misleading advertising, which includes but is not limited to advertising massage, using the term “massage” or any other term that implies a massage technique or method in any private or public communication or publication by a person licensed or not licensed as a massage therapist; five violations of OAR 334-040-0010(7), presenting as one’s own license, the license of another; five violations of OAR 334-040-0010(9), impersonating another massage therapist; for a total civil penalty of \$15,000. **Second the motion: Catalano.** In favor: **Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise.** **Opposed: None.** **Motion carries.**
- h) **Case 924** – (*Lateea Martin*) – **Driscoll** moved to issue a Notice of Proposed Action for two violations of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$1,500. **Second the motion: Fredrickson.** In favor: **Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise.**

Opposed: None. Motion carries.

i) **Case 947 – (Rossana Queens)** – Driscoll moved to issue a Notice of Proposed Action for one violation of ORS 687.021(1), purporting to be in the practice of massage without a license; and ten violations of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$10,000. **Second the motion: Catalano. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

j) **Case 953 – (Duane Anthony Dorsey)** – Bennouri moved to issue a Notice of Proposed Action for one violation of ORS 687.021(1), purporting to be in the practice of massage without a license; and two violations of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$3,000; and issue an injunction against the Respondent. **Second the motion: McMillin. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

k) **Case 954 – (Michael Ochoa)** – Driscoll moved to issue a Notice of Proposed Action for four violations of ORS 687.021(2)(a); for a total civil penalty of \$3,500. **Second the motion: McMillin. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

l) **Case 955 – (Wendy Barrantes)** – Fredrickson moved to issue a Notice of Proposed Action for sixteen violations of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$12,500. **Second the motion: Catalano. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

m) **Case 956 – (Roshelle Gasper)** – Bennouri moved to issue a Notice of Proposed Action for one violation of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$500. **Second the motion: Driscoll. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

n) **Case 965 – (Matthew Wruble)** – Driscoll moved to issue a Notice of Proposed Action for four violations of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$3,500. **Second the motion: Bennouri. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

o) **Case 968 – (Fred Mecha)** – McMillin moved to issue a Notice of Proposed Action for one violation of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$500. **Second the motion: Driscoll. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

p) **Case 970 – (Marie Dickerson)** – Bennouri moved to close as C25, no violation found. **Second the motion: McMillin. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

q) **Case 973 – (Brandon Chaffinch)** – Fredrickson moved to issue a Notice of Proposed Action for one violation of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$500. **Second the motion: Catalano. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

r) **Public Session Closed Case Report** – Bennouri moved to close the following cases **Second the motion: Driscoll. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**

Case No. 578

Allegation: Unlicensed practice of massage

Libby Eagan

Closed: Final default order issued

Case No. 730

Allegation: Unlicensed practice of massage

M. Christen Hawkins

Closed: Final order issued

<u>Case No. 761</u>	<u>Denise Garnes</u>
Allegation: Unlicensed practice of massage	Closed: Final default order issued
<u>Case No. 767</u>	<u>Jodi Steffen</u>
Allegation: False representation to the Board	Closed: Stipulated agreement issued
<u>Case No. 783</u>	<u>Rhiannon Miller</u>
Allegation: Unlicensed practice of massage	Closed: Final default order issued
<u>Case No. 786</u>	<u>Paul Unknown</u>
Allegation: Unlicensed practice of massage	Closed: Respondent unreachable
<u>Case No. 787</u>	<u>Dan Unknown</u>
Allegation: Unlicensed practice of massage	Closed: Respondent unreachable
<u>Case No. 788</u>	<u>Douglas Armstrong</u>
Allegation: Unlicensed practice of massage	Closed: Stipulated agreement issued
<u>Case No. 861</u>	<u>Serina Unknown</u>
Allegation: Unlicensed practice of massage	Closed: Respondent unreachable
<u>Case No. 888</u>	<u>Massage Envy</u>
Allegation: Unprofessional conduct	Closed: Board lacks jurisdiction
<u>Case No. 895</u>	<u>Bethany Flerchinger</u>
Allegation: Unlicensed practice of massage	Closed: Duplicate case

Bennouri moved to amend the agenda to include an audit update for public session. **Second the motion: Driscoll.** In favor: **Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise.** Opposed: **None.** Motion carries.

12) **Audit update** – **Calise** indicated that the Board has no information at this point on the recent audit. **Peccia** is working on making contact with the auditing agency and obtaining information to present to the Board.

13) **Announcements** – **Bennouri** announced that the Massage Therapy Body of Knowledge still has an open comment period. This may be something good for the MDTF to review. She also encourages the MDTF to look at Job Task Analysis conducted by other organizations.

Calise wanted to again welcome **Fredrickson** to the Board and shared that they will meet before the next meeting to give him a mini-orientation.

Lindley requested that Board members let her know if there is any particular subject matter which they want training on.

Calise reported that she had received feedback on the web site which indicated that it could be more user-friendly. She asked the Board members to visit the web site and let her know if there is any information that they would like to see or to give feedback on how the home page could be better. She intends to meet with Grant Moyle soon to discuss this, and requested feedback via e-mail as soon as possible.

14) Adjourn Meeting – Bennouri moved to adjourn the Board meeting at 2:47 pm. **Second the motion: Catalano. In favor: Bennouri, Catalano, Collier, Driscoll, Fredrickson, McMillin and Calise. Opposed: None. Motion carries.**