

IDAHO BOARD OF CHIROPRACTIC PHYSICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Conference Call Minutes of 12/1/2016

BOARD MEMBERS PRESENT: Mary Jo White, DC - Chair
Kathleen J McKay, DC
Herbert W Oliver, DC
Charles H Coiner

BOARD MEMBERS ABSENT: John Downey, DC

BUREAU STAFF: Tana Cory, Bureau Chief
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel

The meeting was called to order at 2:00 PM MST by Mary Jo White, DC.

Mr. Ellsworth said the Board convened the conference call to discuss case CHI-2016-4 in the matter of the license of Burk Aaron Thomas, and the Recommended Decision regarding Motion to Stay Proceedings, Dispositive Motion, Findings of Fact and Conclusions of Law of the Hearing Officer dated October 18, 2016.

EXECUTIVE SESSION

Dr. McKay made a motion that the Board go into executive session under Idaho Code § 74-206(1)(f) to discuss pending litigation with counsel in case CHI-2016-4. It was seconded by Dr. Oliver. The vote was: Dr. White, aye; Dr. McKay, aye; Dr. Oliver, aye; and Mr. Coiner, aye. Motion carried.

Mr. Coiner made a motion to come out of executive session. It was seconded by Dr. Oliver. The vote was: Dr. White, aye; Dr. McKay, aye; Dr. Oliver, aye; and Mr. Coiner, aye. Motion carried.

Mr. Ellsworth reviewed the Hearing Officer Findings and Recommendation in case CHI-2016-4 in the matter of Burke Aaron Thomas with the Board. After discussion of the record and Hearing Officer's recommendations, the Board made the following motions:

Mr. Coiner made a motion to accept the Hearing Officer's Recommendation to deny the Motion to Stay the Administrative Proceeding. It was seconded by Dr. McKay. Motion carried.

Dr. McKay made a motion to accept the Hearing Officer's Findings and Conclusions and Recommended Decision on the Dispositive Motion as the Board's own and correct the dates on pages 2 and 5 from February 8 to January 11, 2016, to reflect the correct date of the federal felony conviction. It was seconded by Mr. Coiner. Motion carried.

Mr. Coiner made a motion to place a two-year suspension and two-year probation on the Respondent's license, to require payment of all costs and attorney fees incurred by the Board and a fine of \$2,000 to be paid within one year of the Order, have the Respondent take the EBAS course, and to direct Counsel to prepare the Order and authorize the Chair to sign it. It was seconded by Dr. McKay. Motion carried.

ADJOURNMENT

Mr. Coiner made a motion to adjourn the meeting at 3:00 PM MST. It was seconded by Dr. Oliver. Motion carried.

Mary Jo White, DC, Chair

Kathleen J McKay, DC

Herbert W Oliver, DC

Charles H Coiner

John Downey, DC

Tana Cory, Bureau Chief