

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING
BOARD OF PROFESSIONAL COUNSELORS
Minutes of Teleconference Meeting

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 08.95.020, Article 1, a scheduled teleconference of the Board of Professional Counselors was held April 21, 2006. Sites for the teleconference were Juneau, Haines, Fairbanks and Anchorage.

Call to Order / Roll Call

The meeting was called to order April 21, 2006 at 2:04 p.m.

There were present, constituting a quorum of the board:

Shawnie Olson, Chairperson, Professional Counselor - Homer
Kerry Turnbow, Vice Chairperson, Professional Counselor – Fairbanks
Jennifer Burkholder, Professional Counselor - Anchorage
Emily Zimbrich, Professional Counselor – Haines

The following Board member was absent: Randy Morton, Public Member

In attendance from the Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development, were:

Cori Hondolero, Licensing Supervisor – Juneau
Alice Albrecht, Licensing Examiner – Juneau
Rick Younkings, Chief Investigator - Anchorage
Margaret McQuaid, Investigator – Anchorage

David Stebing, Administrative Law Judge was also present.

Item 1. Bobbi Donadio, Memorandum of Decision

Administrative Judge. Stebing suggested the Board go into Executive Session to deliberate the matter under the Administrative Procedures Act.

Upon a motion by Turnbow seconded by Burkholder, and approved by Turnbow, Burkholder, Zimbrich and Olson it was

RESOLVED to go into Executive Session to deliberate the case of Bobbie Donodio.

At 2:20 p.m. the Board came out of Executive Session

Upon a motion by Zimrich seconded by Turnbow, and approved by Turnbow, Burkholder, Zimbrich and Olson it was

RESOLVED that the Board would postpone the Bobbi Donodio matter to allow Ms. Albrecht to send all Board members the Donadio file, along with all documentation from Mr. Stebing's office and the Board will reschedule another teleconference for May 5, 2006 at 2:00 p.m. to discuss the matter again.

Item 2. Roger Abernathy, Memorandum of Agreement

Investigator McQuaid provided the Board with some background on this case. Ms. McQuaid stated that the Board needed to vote whether or not to accept the proposed Memorandum of Agreement before them, which Mr. Abernathy has already reviewed with his attorney and signed.

The Investigator had discussed this case with Mr. Turnbow, so he was recused from voting on this issue.

Ms. Zimbrich was concerned that the proposed punishment seemed too light. Ms. McQuaid stated that although there is always the likelihood of other problems, we can only make our determination from the information in front of us. The Investigator explained that they structure similar agreements for others who have come before various Boards for their first offense and this is a standard penalty for first time offenses.

The Board was concerned over how closely Mr. Abernathy would be monitored. Ms. McQuaid stated that the two-year time period will give the Board time to respond if additional problems come forward. Ms. Olson asked if the Board can request an individual to be called into Board meetings over this two-year period, so, though we cannot prove anything else or assume anything else, the Board can certainly get his attention by making him aware of the severity of his actions. The Board felt it is well within their responsibility and our rights and they should do that.

Mr. Turnbow asked to speak. Ms. McQuaid advised though he cannot vote, he can voice his opinion in this matter. Mr. Turnbow asked if the Board required Mr. Abernathy to attend the meetings, would the Board have to pay for him to attend. The response was that the Board would have to pay his expense for any travel, such as from Juneau to Anchorage. The Board felt strongly about his attending the Juneau meeting. Ms. Olson would like Mr. Abernathy called in regularly to face the Board in order for the Board to ask him how he is proceeding. It was stressed that his attendance is to get his attention and is not meant as an inconvenience. This will make him accountable for his behavior.

Ms. McQuaid stated that Mr. Abernathy signed an MOA and it is the Board's option to call him before the Board. Ms. Olson reiterated that if we do have him attend the meeting, that the Board would keep his attention--at least for the two-year period.

The Board agreed to take up the matter at their next meeting, to require him to appear in person when the Board meets face-to-face in Juneau.

Ms. McQuaid made it clear that the Board can do this and still sign the agreement as outlined. What requirements he needs to adhere to remains the Board's option during his probation and she stressed that it is not an option for him to say whether or not he would attend; if the Board wants him to attend, he must be there.

Mr. Turnbow asked who would be responsible for his evaluation after his probationary period is over? Ms. McQuaid stated that it would most likely be the person hired to replace her.

Upon a motion by Burkholder seconded by Zimbrich and approved by Burkholder, Zimbrich and Olson it was

RESOLVED to sign the Memorandum of Agreement Order with no changes.

Mr. Turnbow asked if there is a set of recommendations or criteria the Board could access for future cases, so the Board can gauge a baseline that applies to violations. Chief Investigator Younkins stated they do not, but his team looks at prior sanctions when gauging new cases.

Ms. Olson welcomed the two new Board members Jennifer Burkholder and Emily Zimbrich and thanked everyone for their support.

There being no further business, the meeting adjourned at 2:47 p.m.

Respectfully Submitted:

Alice Albrecht, Licensing Examiner

Approved:

Shawnie Olson, Chair
Board of Professional Counselors

Date: _____