



## **BOARD MEETING MINUTES**

**APRIL 10, 2015**

### **MEETING VIA TELECONFERENCE**

#### **SACRAMENTO, CALIFORNIA**

Department of Consumer Affairs, 2005 Evergreen Street, Room 1150 A & B, Sacramento, CA 95815

#### **CULVER CITY, CALIFORNIA**

Bureau of Automotive Repair, 6001 Bristol Parkway, Culver City, CA 90230

#### **FRESNO, CALIFORNIA**

Bureau of Automotive Repair, 7130 N. Marks Avenue, Fresno, CA 93711

#### **SAN FRANCISCO, CALIFORNIA**

University of California, San Francisco, Medical Sciences Building, 513 Parnassus Avenue, Room F-226, San Francisco, CA 94143

#### **SAN DIEGO, CALIFORNIA**

Bureau of Automotive Repair, 16855 W. Bernardo Drive, Suite 112, San Diego, CA 92127

#### **SOUTH EL MONTE, CALIFORNIA**

Bureau of Automotive Repair, 1180 Durfee Avenue, Suite 120, South El Monte, CA 91733

#### **WESTLAKE VILLAGE, CALIFORNIA**

Professional Medical Careers Institute, 920 Hampshire Road, Suite S, Westlake Village, CA 91361

### **BOARD MEMBERS**

#### **PRESENT:**

Todd D'Braunstein, P.T. Member, President (Sacramento)  
Samantha James-Perez, P.T. Member, Vice-President (S. El Monte)  
John Vertido, L.V.N./Educator Member, (Sacramento)  
Donna Norton, L.V.N. Member (Sacramento)  
Tammy Endozo, L.V.N. Member (San Diego)  
Andrew Moreno, Public Member (Fresno)  
Eric Mah, Public Member (San Francisco)  
Susan Rubin, Public Member (Culver City)  
Vivien Avella, Public Member (Westlake Village)

**STAFF PRESENT:** Angelina Martin, Assistant Executive Officer  
Cheryl Anderson, Supervising Nursing Education Consultant  
Marilyn Kimble, Enforcement Division Chief  
Rocio Llamas, Enforcement Program Manager  
Lanessa Guerra, Licensing Division Analyst  
Rebecca Bon, Legal Counsel, Department of Consumer Affairs  
Laura Freedman, Legal Counsel, Department of Consumer Affairs

**1. CALL TO ORDER, ROLL CALL AND ESTABLISHMENT OF QUORUM.**

The meeting was called to order by the President, Todd D’Braunstein, at 11:00 a.m., April 10, 2015, from the Department of Consumer Affairs, 2005 Evergreen Street, Sacramento, California 95815.

Mr. D’Braunstein took attendance of the Board Members by roll call. The Board Members introduced themselves by announcing their name, location, and noting if members of the public were in attendance. Board staff present introduced themselves. All staff members were present at the Sacramento location.

**2. PUBLIC COMMENT PERIOD.**

Mr. D’Braunstein announced that public comment is welcome on items not part of the agenda; however, no action may be taken at this time.

**3. EXECUTIVE OFFICER SELECTION COMMITTEE: CREATION, DUTIES AND APPOINTMENT OF MEMBERS.**

**Public Comment:** None.

**Board Discussion:**

- Mr. D’Braunstein announced that Samantha James-Perez, John Vertido, and Susan Rubin would like to be considered for the Executive Officer (EO) Selection Committee.
- Mr. Vertido noted he has an understanding of the work involved, and his familiarity with the Vocational Nursing Practice Act. He also noted he is the former Board President and Vice President, as well as an L.V.N./Educator Board Member.
- Ms. James-Perez noted she is aware of the Committee’s importance, which requires Psychiatric Technician Board Member representation. Ms. James-Perez noted her familiarity with the practices and regulations, and that she would like to be involved with the Committee.
- Ms. Rubin noted the Board is at a juncture, and that change management is currently an issue. She noted a Public Board member is critical for the position.
- Vivien Avella thanked Ms. James Perez, Ms. Rubin and Mr. Vertido for their interest in serving on the Committee.

**MOTION:** To appoint Ms. Rubin to the EO Selection Committee.

**Moved:** Eric Mah

**Seconded:** Vivien Avella

Ms. Avella, Mr. D'Braunstein, Tammy Endozo, Ms. Perez, Eric Mah, Andrew Moreno, Donna Norton, Ms. Rubin, and Mr. Vertido voted in favor of the motion. **The motion passed.**

**MOTION:** To appoint Ms. James-Perez to the EO Selection Committee.

**Moved:** Todd D'Braunstein                      **Seconded:** Eric Mah

Ms. Avella, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, and Ms. Rubin voted in favor of the motion. Ms. Norton and Mr. Vertido were opposed. **The motion passed.**

#### **4. REVIEW AND APPROVAL OF THE EXECUTIVE OFFICER DUTY STATEMENT**

**Public Comment:** None.

##### **Board Discussion:**

- Mr. D'Braunstein asked the Board Members if they had any concerns with the proposed EO duty statement.
- Ms. Rubin noted the regulation which requires the EO be a licensee, greatly limits the candidate pool. Ms. Rubin requested Legal Counsel's input.
- Rebecca Bon advised the Board would have to pursue the change to the EO duty statement legislatively.
- Mr. D'Braunstein asked Olivia Trejo, DCA Human Resources, Classification and Pay Unit Supervisor, how this change would delay the recruitment of the EO position.
- Ms. Trejo responded the change to the proposed EO duty statement may cause a recruitment delay due to the requirement in the vacancy advertisement.
- Ms. Rubin suggested deleting the requirement that the EO be a licensee.

**MOTION:** To remove Business and Professions (B&P) Code 2847(b) from the proposed EO duty statement, and pursue legislation to delete the statutory requirement.

**Moved:** Susan Rubin                                      **Seconded:** Vivien Avella

Ms. Avella, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, and Ms. Rubin voted in favor of the motion. Ms. Norton and Mr. Vertido were opposed. **The motion passed.**

**MOTION:** To adopt the proposed EO duty statement with an amendment to remove B&P Code 2847(b).

**Moved:** Donna Norton                                      **Seconded:** Tammy Endozo

Ms. Avella, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, and Ms. Rubin voted in favor of the motion. Ms. Norton and Mr. Vertido were opposed. **The motion passed.**

**MOTION:** To adopt the proposed EO duty statement for the purpose of hiring an Interim or Acting EO.

**Moved:** Todd D'Braunstein

**Seconded:** John Vertido

Ms. Avella, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin, and Mr. Vertido voted in favor of the motion. **The motion passed.**

**5. LEGISLATIVE REPORT: ASSEMBLY BILLS (AB) 178, 611, 840, 923 AND 1165; SENATE BILLS (SB) 390, 466, 622, 779 AND 780.**

Mr. D'Braunstein presented a report relative to key bills the Board is following.

Public Comment: None.

- Coby Pizzotti, Consultant, California Association of Psychiatric Technicians, asked for the Board's support on AB 840 and SB 780.

**MOTION:** To direct staff to draft a letter for the Board President's signature to the California State Assembly, indicating the Board's support of ABs 178 and 1165.

**Moved:** Todd D'Braunstein

**Seconded:** John Vertido

Ms. Avella, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin, and Mr. Vertido voted in favor of the motion. **The motion passed.**

**MOTION:** To direct staff to draft a letter for the Board President's signature to the California State Senate and State Assembly, indicating the Board's full support of AB 840 and SB 780.

**Moved:** John Vertido

**Seconded:** Donna Norton

Ms. James-Perez, Ms. Norton, and Mr. Vertido voted in favor of the motion. Ms. Avella, Mr. D'Braunstein, Ms. Endozo, Mr. Mah, and Mr. Moreno were opposed. Ms. Rubin Abstained. **The motion did not pass.**

**6. CLOSED SESSION. APPOINTMENT OF INTERIM OR ACTING EXECUTIVE OFFICER.**

The Board convened into closed session to consider appointment of an Interim or Acting Executive Officer at 1:23 p.m.

**7. CLOSED SESSION. DISCIPLINARY ACTIONS.**

The Board convened into closed session to consider disciplinary matters.

**8. OPEN SESSION.**

The meeting returned to open session at 2:26 p.m. Mr. D'Braunstein announced that John Brooks, Manager, DCA Consumer Information Center, accepted the Board's Acting Executive Officer position.

**9. ADJOURNMENT.**

The meeting adjourned at 2:28 p.m.

Prepared by:   
**John Brooks**  
Acting Executive Officer

Date: 5-15-15

Approved by:   
**Todd D'Braunstein, P.T.**  
President

Date: 5-15-15

(5/12/15)